FEDERAL REGISTER

VOLUME 20 NUMBER 174

Washington, Wednesday, September 7, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3112

AMERICAN EDUCATION WEEK, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the pioneers of our Nation established schools and colleges and regarded education as a bulwark of the American way of life; and

WHEREAS the Nation's schools and educational institutions have contributed immeasurably to the welfare of our people and to the progress and security of our country; and

WHEREAS education contributes not only to the development of a fuller and more useful life for the individual citizen but also to the safeguarding of the freedoms and ideals which we cherish as Americans; and

WHEREAS in this year of the White House Conference on Education our people have a right to take special pride in our Nation's educational system, and an obligation to demonstrate a desire and capacity to meet the major problems facing American education:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 6 through November 12, 1955, as American Education Week, and I ask the people throughout the country to participate fully in the observance of that week. I urge this observance as evidence of appreciation to teachers and school officials for work well done, and as a pledge of citizen interest in better education. I also urge this observance as a fitting prelude to the White House Conference on Education to be held in the City of Washington from November 28 through December 1, 1955, and as a tribute to the challenging role American education is playing in building a better and stronger nation in today's world of nations.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this first day of September in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 55-7263; Filed, Sept. 2, 1955; 3:11 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

§725.703 *Basis and purpose.* Sections 725.703 and 725.704 are issued to announce the results of the flue-cured tobacco marketing quota referendum for the marketing year beginning July 1, 1956, and for the three-year period beginning July 1, 1956. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for flue-cured tobacco for the 1956-57 marketing year (20 F. R. 4787) The Secretary announced (20 F. R. 4827) that a referendum would be held on July 23, 1955, to determine whether flue-cured tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning July 1, 1956, and to determine whether flue-cured tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning July 1, 1956. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 725.704 *Proclamation of the results of the flue-cured tobacco marketing quota referendum for the marketing year beginning July 1, 1956 and for the three-year period beginning July 1, 1956.* In a referendum of farmers engaged in the production of the 1955 crop of flue-cured tobacco held on July 23, 1955, 200,444 farmers voted. Of those voting, 191,379, or 95.5 percent, favored quotas for a period of three years beginning July 1, 1956; 3,640, or 1.8 percent, favored quotas for only the one year beginning July 1, 1956; and 5,425, or 2.7 percent, were opposed to quotas. Therefore, the national marketing quota of 1,130 million pounds proclaimed July 1, 1955 (20 F. R. 4787) for flue-cured tobacco for the 1956–57 marketing year will be in effect for such year and marketing quotas on flue-cured tobacco will be in effect for three marketing years beginning July 1, 1956.

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interprets or applies sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C., this 1st day of September 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55-7223; Filed, Sept. 6, 1955; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER August 11, 1955 (20 F. R. 5815) This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 2, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.220 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1956, will amount to $3,276.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 31st day of August 1955, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-7224; Filed, Sept. 6, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 40-19]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PROPELLER REVERSE PITCH INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of August 1955.

Currently effective § 40.172 (1) of Part 40 of the Civil Air Regulations requires that, effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch.

A notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 4973) and circulated to the industry as Civil Air Regulations Draft Release No. 55-17 dated July 1, 1955, which proposed to extend the compliance date of § 40.172 (1) from September 1, 1955, to April 1, 1956. This notice was based upon consideration of information received that certain air carriers would be unable to accomplish the installation of propeller reverse pitch indicators by September 1, 1955, due to delays in the delivery of necessary parts from manufacturers.

As a result of comments received on Draft Release No. 55-17 and based on investigation by the Board and the Civil Aeronautics Administration, the Board has determined that the large majority of air carrier aircraft to which this requirement is applicable have been equipped with indicators. However, although the air carriers concerned have been diligent in their efforts to achieve compliance in all aircraft affected, some have been unable to do so because of unanticipated difficulties in the procurement of necessary parts. The Board has also determined that in the case of at least one propeller system the necessary parts will not be available in sufficient time to permit modification by April 1, 1956, the date proposed in Draft Release No. 55-17, but that all required modifications may reasonably be expected to be accomplished by July 1, 1956. The Board, therefore, concludes that the current compliance date of September 1, 1955, is not realistic and should be extended to July 1, 1956. It is expected, however, that conscientious efforts will be continued by the parties concerned to accomplish the required change as soon as possible, prior to the mandatory compliance date, on consideration of the safety factors involved.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due con-

sideration has been given all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective September 1, 1955:

By amending § 40.172 (1) by deleting the date "September 1, 1955" and inserting in lieu thereof the date "July 1, 1956"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-7220; Filed, Sept. 6, 1955; 8:52 a. m.]

[Civil Air Regs., Amdt. 41-5]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PROPELLER REVERSE PITCH INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of August 1955.

Currently effective § 41.25 (s) of Part 41 of the Civil Air Regulations requires that, effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch.

A notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 4973) and circulated to the industry as Civil Air Regulations Draft Release No. 55-17 dated July 1, 1955, which proposed to extend the compliance date of § 41.25 (s) from September 1, 1955, to April 1, 1956. This notice was based upon consideration of information received that certain air carriers would be unable to accomplish the installation of propeller reverse pitch indicators by September 1, 1955, due to delays in the delivery of necessary parts from manufacturers.

As a result of comments received on Draft Release No. 55-17 and based on investigation by the Board and the Civil Aeronautics Administration, the Board has determined that the large majority of air carrier aircraft to which this requirement is applicable have been equipped with indicators. However, although the air carriers concerned have been diligent in their efforts to achieve compliance in all aircraft affected, some have been unable to do so because of unanticipated difficulties in the procurement of necessary parts. The Board has also determined that in the case of at least one propeller system the necessary parts will not be available in sufficient time to permit modification by April 1, 1956, the date proposed in Draft Release No. 55-17, but that all required modifications may reasonably be expected to be accomplished by July 1, 1956. The Board, therefore, concludes that the current compliance date of September 1, 1955, is not realistic and should be extended to July 1, 1956. It is expected, however, that conscientious efforts will be continued by the parties concerned to accomplish the required change as soon as possible, prior to the mandatory compliance date, in consideration of the safety factors involved.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective September 1, 1955.

By amending § 41.25 (s) by deleting the date "September 1, 1955" and inserting in lieu thereof the date "July 1, 1956"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-7221; Filed, Sept. 6, 1955; 8:52 a. m.]

[Civil Air Regs., Amdt. 42-5]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PROPELLER REVERSE PITCH INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of August 1955.

Currently effective § 42.21 (a) (15) of Part 42 of the Civil Air Regulations requires that, effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch.

A notice of proposed rule making was published in the FEDERAL REGISTER (20 F R. 4973) and circulated to the industry as Civil Air Regulations Draft Release No. 55-17 dated July 1, 1955, which proposed to extend the compliance date of § 42.21 (a) (15) from September 1, 1955, to April 1, 1956. This notice was based upon consideration of information received that certain air carriers would be unable to accomplish the installation of propeller reverse pitch indicators by September 1, 1955, due to delays in the delivery of necessary parts from manufacturers.

As a result of comments received on Draft Release No. 55-17 and based on investigation by the Board and the Civil Aeronautics Administration, the Board has determined that the large majority of air carrier aircraft to which this requirement is applicable have been equipped with indicators. However, although the air carriers concerned have been diligent in their efforts to achieve compliance in all aircraft affected, some have been unable to do so because of unanticipated difficulties in the procurement of necessary parts. The Board has also determined that in the case of at least one propeller system the necessary parts will not be available in sufficient time to permit modification by April 1, 1956, the date proposed in Draft Release No. 55-17, but that all required modifications may reasonably be expected to be accomplished by July 1, 1956. The Board, therefore, concludes that the current compliance date of September 1, 1955, is not realistic and should be extended to July 1, 1956. It is expected, however, that conscientious efforts will be continued by the parties concerned to accomplish the required change as soon as possible, prior to the mandatory compliance date, in consideration of the safety factors involved.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective September 1, 1955:

By amending § 42.21 (a) (15) by deleting the date "September 1, 1955" and inserting in lieu thereof the date "July 1, 1956"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-7222; Filed, Sept. 6, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6324]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ISIDOR KOPELMAN ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition. Wool Products Labeling Act:* § 13.1325 *Source or origin.* Maker or seller, etc.. *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.* Wool Products Labeling Act; § 13.1900 *Source or origin.* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation, or distribution in commerce, of caps or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as those terms are defined in said act, misbranding such

products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) such fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Isidor Kopelman et al. d. b. a. Mutual Hat and Cap Co., New York, N. Y., Docket 6324, July 22, 1955]

In the Matter of Isidor Kopelman, and Charles Kopelman, Individually and as Copartners Trading and Doing Business as Mutual Hat and Cap Co.

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission which charged respondents with having violated the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder, and the Federal Trade Commission Act, through the misbranding of certain wool products, including certain caps labeled or tagged as "100% Wool" when in fact they contained a large percentage of reprocessed or reused wool; and upon a stipulation which respondents entered into with counsel supporting the complaint, which provided for the entry of a consent order disposing of all the issues in the proceeding and which was submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with § 3.25 of the Commission's rules of practice.

Said stipulation set forth that respondent admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations, and said stipulation further provided that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents also agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order, and it was further stipulated and agreed that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation, and that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter, the proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid stipulation for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said stipulation provided for an appropriate disposition of the proceeding; his acceptance of said stipulation, which he ordered filed as a part of the record in the matter; and his findings for jurisdictional purposes with respect to said respondents, and the jurisdiction of the Commission over the subject matter of the proceeding and over said respondents; and including his findings that the complaint stated a cause of action against said respondents under the aforesaid Acts, and that the proceeding was in the interest of the public; and in which he set forth order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated June 30, 1955, became, on July 22, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondents, Isador Kopelman and Charles Kopelman, individually and trading and doing business under the firm name of Mutual Hat and Cap Co., or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of caps or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," reprocessed wool" or "reused wool," as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) such fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, *And provided further* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-7194; Filed, Sept. 6, 1955; 8:48 a. m.]

[Docket 6333]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LOVELY LADY COMFORT CO. AND MORTON COHEN

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin:* Maker or seller, etc.. *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act.

In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of bed comforters or other "wool products" as such products are defined in and are subject to the Wool Products Labeling Act of 1939; which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as such terms are defined in said act, misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Lovely Lady Comfort Co. et al., Philadelphia, Pa., Docket 6338, July 26, 1955]

In the Matter of Lovely Lady Comfort Co., a Corporation, and Morton Cohen, Individually, and as an Officer of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondents with violation of the Federal Trade Commission Act and of the Wool Products Labeling Act, through misbranding certain wool products, including certain bed comforters labeled "100% Reprocessed Wool" when in fact they were made with paddings or battings which contained large quantities of non-woolen fibers, and through failing to stamp, tag, or label such bed comforters as required under certain provisions of the Wool Products Labeling Act and in the manner and form prescribed by the rules and regulations promulgated thereunder: and upon a Stipulation or Agreement for Consent Order which was entered into by respondents with counsel supporting the complaint, in conformity with § 3.25 of the Commission's rules of practice, and which was thereafter submitted to said hearing examiner, who, being of the opinion that it effectually disposed of all the issues in the matter, accepted the same, with the proviso that the initial decision should not become a part of the official record of the proceeding unless and until it became the official decision of the Commission.

By said Agreement respondents specifically admitted all of the jurisdictional allegations set forth in the complaint and agreed that the record in the matter might be taken as though the hearing examiner or the Commission had made findings of jurisdictional facts in accordance with such allegations; that the order therein agreed upon should have the same force and effect as if made upon a full hearing, presentation of evidence and findings, and conclusions based thereon, specifically waiving any and all right, power, or privilege to contest the validity of said orders; and that the complaint in the matter might be used in construing the terms of said order, which order might be altered, modified, or set aside in the manner provided by statute affecting orders of the Commission.

All of the parties to said Agreement waived the filing of answer; hearing before a hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission; all further and other procedure before the hearing examiner and the Commission to which the respondents might otherwise, but for the execution of said Agreement or Stipulation, be entitled under the Federal Trade Commission Act or the Wool Products Labeling Act of 1939 or the rules of practice of the Commission; and it was further agreed that the said Agreement or Stipulation, together with the complaint, should constitute the entire record in the matter.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; and, pursuant to the intent of said Agreement and of the facts recited therein, and the fact that the order embodied therein was identical with the order nisi accompanying the complaint and would, in his opinion, effectually safeguard the public interest, his finding that the proceeding was in the public interest; and in which he issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated July 26, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent, Lovely Lady Comfort Co., a corporation, and its officers, and respondent Morton Cohen, individually and as an officer of said corporation; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of bed comforters or other "wool products," as such products are defined in and are subject to the Wool Products Labeling Act of 1939: which products contain, purport to contain, or in any way, are represented as containing "wool," "reprocessed wool," or "reused wool," as such terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter:

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, *And provided further* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 26, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-7195; Filed, Sept. 6, 1955; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PROCAINE PENICILLIN-STREPTOMYCIN-POLYMYXIN IN OIL, PROCAINE PENICILLIN-DIHYDROSTREPTOMYCIN-POLYMYXIN IN OIL

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for certification and tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 141a, 146a) are amended by adding the following new sections:

§ 141a.86 *Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin-polymyxin in oil*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.8 (a) Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.129 (a) (1) of this chapter, except inactivate the penicillin in the combined extractives with sufficient penicillinase at 37° C. for 30 minutes. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(4) *Polymyxin content.* Proceed as directed in § 141b.112 (b) (1) of this chapter, with the following exceptions:

(i) In lieu of the directions for the preparation of the sample described in § 141b.112 (b) (1) (vii) of this chapter, prepare the sample as follows: Place a convenient sized representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer, pH 6.0, containing 2 grams of K_2HPO_4 and 8 grams of KH_2PO_4 in each 100 milliliters, and shake. Remove the buffer layer and repeat the extraction with 25-milliliter portions of buffer at least three times and any additional times that may be necessary to insure complete extraction of the antibiotic. Combine the extractives and inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes. Make the proper estimated dilutions in 10-percent potassium phosphate buffer, pH 6.0, to give a concentration of 10 units per milliliter (estimated).

(ii) The standard curve is prepared in the following concentrations: 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 units per milliliter in 10-percent potassium phosphate buffer, pH 6.0. The 10 units per milliliter concentration is used as the reference point. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b)

§ 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin-dihydrostreptomycin - polymyxin in oil.* Procaine penicillin-streptomycin-polymyxin in oil and procaine penicillin-dihydrostreptomycin - polymyxin in oil conform to all requirements and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, except that:

(a) They contain not less than 50,000 units of polymyxin B per single-dose container. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146b.107 (a) of this chapter.

(b) In lieu of the labeling prescribed by § 146a.57 (a) (3) each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin, the number of milligrams of streptomycin or dihydrostreptomycin, and the number of units of polymyxin B per milliliter or per prescribed dose; if it contains one or more of the active ingredients specified in § 146a.57 (a) (2) the name and quantity of each; the statement "For udder instillation of cattle only" and the statement "Expiration date ____," the blank being filled in with the date that is 12 months after the month during which the batch was certified. Each package shall also bear on its label and labeling, if it contains one or more of the active ingredients specified in § 146a.57 (a) (2) after the name "procaine penicillin - streptomycin - polymyxin in oil" or "procaine penicillin-dihydrostreptomycin-polymyxin in oil," wherever it appears, the words "with ---------- (the blank being filled in with the common or usual name of each such ingredient)," in juxtaposition with such name.

(c) In addition to complying with the requirements of § 146a.57 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages containing equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(d) The fee for the services rendered with respect to each immediate container in the sample of polymyxin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies 59 Stat. 463 as amended by 61 Stat. 11)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the two new antibiotic drugs referred to in the above amendments.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: August 31, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-7201; Filed, Sept. 6, 1955; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 103.266]

PART 114—IMPORT CONTROLS

CANCELLATION OF CERTAIN SECTIONS

Effective October 1,1955, the following sections of Part 114, Title 22, of the Code of Federal Regulations are cancelled: § 114.1 *Enforcement of import control laws and regulations;* § 114.2 *Authority to require power of attorney for agent to sign invoices;* § 114.3 *Certification of invoices.*

Dated: August 29, 1955.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 55-7187; Filed, Sept. 6, 1955; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6144]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

SUBPART D—REFUND OF TAX AND DUTY PAID ON DISTILLED SPIRITS AND WINES LOST AS A RESULT OF THE HURRICANES OF 1954

Public Law 363, 84th Congress, 1st Session, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to make refund, or allow credit in the case of a distiller, winemaker, or rectifier if he so elects, in the amount of the internal revenue tax and customs duties paid on distilled spirits and wines previously withdrawn, and lost or rendered unmarketable or condemned by a duly authorized health official of the United States or of a State by reason of the hurricanes of 1954 while such spirits or wines were in the possession of (1) the person originally paying such tax, or such tax and duty, on such spirits or wines, (2) rectifier for rectification or for bottling, or which have been used in the process of rectification, under Government supervision as provided by law and regulations, or (3) a wholesale or retail liquor dealer, all hereinafter referred to as the possessor or possessors. The refunds and credits authorized by this Act may be made to (1) any of the possessors, except a retail liquor dealer, or (2) to any distiller, winemaker, rectifier, importer, or wholesale liquor dealer who replaced for the possessor the full equivalent of the distilled spirits or wines so lost or rendered unmarketable or condemned, without compensation, remuneration, payment, or credit of any kind in respect of the tax, or tax and duty, on such spirits or wines. A claim for the amount of such tax, or such tax and duty, shall be filed with the Secretary of the Treasury within ninety days from the date of enactment of this Act. The claimant shall furnish proof to the Secretary's satisfaction that (1) the internal revenue tax on such spirits or wines, or the tax and duty if imported, was fully paid, (2) such spirits or wines were lost or rendered unmarketable or condemned by a duly authorized health official of the United States or of a State, (3) the claimant was not indemnified by any valid claim of insurance or otherwise against loss of the tax, or tax and duty, paid on the spirits or wines, and (4) in those cases where applicable, that the claimant has had replaced for the possessor the full equivalent of the spirits or wines so lost or rendered unmarketable or condemned, without compensation, remuneration, payment, or credit of any kind in respect of the tax, or tax and duty, on such spirits or wines.

(b) When the Secretary, pursuant to this Act, makes refund, or allows credit, in the amount of the tax, or tax and duty, on spirits or wines rendered unmarketable or condemned by a duly authorized health official, such spirits or wines shall be destroyed under the supervision of the Secretary or his delegate, unless such spirits or wines were, prior to the enactment of this Act, destroyed under the supervision or observation of the Secretary or his delegate.

(c) Where credit is allowed to a distiller, winemaker, or rectifier for the internal revenue tax previously paid as aforesaid, the Secretary is authorized and directed to provide for the issuance of stamps to cover the tax on distilled spirits or wines subsequently withdrawn or rectified to the extent of the credit so allowed.

(d) The Secretary is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

Pursuant to the above provisions of law, the following new subpart is added at the end of Subpart C of Part 170 of Chapter I, Title 26 of the Code of Federal Regulations:

SUBPART D—REFUND OF TAX AND DUTY PAID ON DISTILLED SPIRITS AND WINES LOST AS A RESULT OF THE HURRICANES OF 1954

Sec.

AUTHORITY: §§ 170.50 to 170.77 issued under Pub. Law 363, 84th Cong.

§ 170.50 *Scope of regulations in this subpart.* The regulations in this subpart prescribe the procedural and substantive requirements necessary to implement Public Law 363, 84th Congress, 1st Session, concerning the refund of tax, or tax and customs duty, on distilled spirits and wines lost, rendered unmarketable, or condemned by health authorities as a result of the hurricanes of 1954.

DEFINITIONS

§ 170.51 *Meaning of terms.* When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in §§ 170.52 to 170.65.

§ 170.52 *Assistant Regional Commissioner* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner of Internal Revenue.

§ 170.53 *Claimant.* "Claimant" shall mean the person to whom the refund may be made, as provided in § 170.67, and in the case where the spirits and wines are to be replaced, such person or persons and the possessor shall join in the claim or claims.

§ 170.54 *Commissioner* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 170.55 *Commissioner of Customs.* "Commissioner of Customs" shall mean the Commissioner of Customs, Bureau of Customs, Treasury Department, Washington, D. C.

§ 170.56 *Distilled spirits or spirits.* "Distilled spirits" or "spirits" shall include alcohol and spirits commonly known as whisky, brandy, rum, gin, etc., on which tax has been paid at the distilled spirits rate, and rectified spirits.

§ 170.57 *Full equivalent* "Full equivalent" shall mean a quantity of spirits, in tax gallons, or a quantity of wine, in wine gallons, equal to the quantity lost, rendered unmarketable, or condemned.

§ 170.58 *Health authority.* "Health authority" shall mean any health official having authority to authorize the condemnation of spirits and wines.

§ 170.59 *Includes and including.* "Includes" and "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 170.60 *Inclusive language.* Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine as well as trusts, estates, partnerships, associations, companies, and corporations.

§ 170.61 *Person originally paying tax or tax and duty.* The "person originally paying tax or tax and duty" shall include proprietors of industrial alcohol plants or bonded warehouses, proprietors of internal revenue bonded warehouses, distillers, winemakers (including proprietors of bonded wineries or wine storerooms) rectifiers, and importers.

§ 170.62 *Possessor or possessors.* "Possessor" or "possessors" shall mean the person or persons in whose possession the spirits or wines were held at the time they were lost, rendered unmarketable, or condemned, as specified in § 170.66.

§ 170.63 *Regional Commissioner* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 170.64 *Tax.* "Tax," with respect to unrectified distilled spirits, shall mean the internal revenue distilled spirits tax paid thereon; with respect to rectified spirits, "tax" shall include the distilled spirits tax paid, the rectification tax paid, if any, the cordial tax paid, if any, and the wine tax paid, if any; with respect to wines, "tax" shall mean the internal revenue tax paid thereon.

§ 170.65 *Wines.* "Wines" shall include all still wines, effervescent wines, and flavored wines.

PAYMENT OF REFUNDS

§ 170.66 *Persons by whom refunds are payable.* Assistant Regional Commissioners are authorized and directed to allow refund of the internal revenue taxes, and the Commissioner of Customs is authorized and directed to allow

refund of the customs duties, paid on distilled spirits and wines previously withdrawn and lost, or rendered unmarketable, or condemned by health authorities, by reason of the hurricanes of 1954, while such spirits or wines were in the possession of (a) the person originally paying such tax, or such tax and duty, on such spirits and wines, (b) a rectifier for rectification or for bottling, or which have been used in the process of rectification, under Government supervision as provided by law and regulations, or (c) a wholesale or retail liquor dealer.

§ 170.67 *Persons to whom refunds may be made.* Under the provisions of the law, the refund of the tax, or of the tax and duty if the spirits or wines were imported, may be made to:

(a) Any of the possessors referred to in § 170.66 except a retail liquor dealer, or

(b) Any distiller, winemaker, rectifier, importer, or wholesale liquor dealer who has replaced for the possessor the full equivalent of the distilled spirits or wines which were lost, rendered unmarketable, or condemned by health authorities: *Provided,* That such replacement was made without compensation, remuneration, payment, or credit of any kind in respect of the tax, or tax and duty, on such spirits or wines.

CLAIMS PROCEDURE

§ 170.68 *Execution and filing of claim.* A claim for refund of tax or customs duty shall be executed on Form 843 (Internal Revenue) in accordance with such instructions thereon as are applicable, and must be filed with the Assistant Regional Commissioner of the internal revenue region in which the spirits or wines were lost, rendered unmarketable, or condemned, within 90 days from August 11, 1955, the date of enactment of Public Law 363. Any claim for refund under this subpart filed after the 90-day period specified above, will be rejected in full and no refund of tax or duty made.

§ 170.69 *Return of claim for completion or correction.* The regulations in this subpart contemplate that claims will be filed (a) where the spirits or wines have been replaced before the filing of the claim; and (b) where the completion of the claim is to await determination, as provided in § 170.74, as to the quantity of spirits or wines lost or rendered unmarketable or condemned, and the quantity replaced for the possessor. In the event of (b) the claim will be returned to the claimant, on completion of such determination, for the insertion of the necessary data. Claims will also be returned which are otherwise defective in any respect.

§ 170.70 *Separation of imported and domestic spirits; separate claims for tax and duty.* If a claim for refund of internal revenue tax involves both domestic and imported spirits or wines, the quantity of each must be shown separately in the claim. A separate claim will be required in respect of refund of the customs duty on the imported spirits or wines.

§ 170.71 *Claimant to furnish proof of loss, unmarketability, or condemnation.* The claimant shall furnish proof to the satisfaction of the Assistant Regional Commissioner that:

(a) The internal revenue tax on such spirits or wines, or the tax and duty if imported, was fully paid;

(b) Such spirits or wines were lost, rendered unmarketable, or condemned by a duly authorized health authority, by reason of damage sustained as a result of one or more of the hurricanes of 1954;

(c) The claimant (including the possessor if other than the claimant) was not indemnified by any valid claim of insurance or otherwise against loss of the tax, or tax and duty, paid on the spirits or wines; and

(d) In those instances where applicable, that the claimant has replaced for the possessor the full equivalent of the spirits or wines so lost, rendered unmarketable, or condemned, without compensation, remuneration, payment, or credit of any kind in respect of the tax, or tax and duty, on such spirits or wines.

§ 170.72 *Supporting evidence.* The claimant shall support his claim with such evidence as he is able to submit, including inventories, statements, invoices, bills, records, stamps, labels, formulae, etc., relating to the quantity of taxpaid spirits and wines on hand at the time of the hurricane or hurricanes and averred to have been lost, rendered unmarketable, or condemned as a result thereof.

§ 170.73 *Supporting statement.* In an instance of replacement of spirits or wines for a possessor, the claimant shall attest in his claim that he, as a distiller, winemaker (including a proprietor of a bonded winery or wine storeroom), rectifier, importer, or wholesale liquor dealer, as the case may be, replaced for the possessor the full equivalent of the distilled spirits or wines which were lost, rendered unmarketable, or condemned, as the result of a hurricane, without compensation, remuneration, payment, or credit of any kind, in respect of the tax or duty on such spirits or wines, and further that neither the claimant nor the possessor was indemnified by any valid claim of insurance or otherwise against the loss of the tax, or tax and duty, paid on the spirits or wines so lost, rendered unmarketable, or condemned.

§ 170.74 *Replacement.* The replacement of spirits or wines for a possessor and the completion by the claimant of the claim may be delayed until a reasonable determination has been made by the Assistant Regional Commissioner as to the quantity of spirits or wines lost, rendered unmarketable, or condemned, by reason of a hurricane, as provided in § 170.75. The findings of the Assistant Regional Commissioner in this respect may be made available to the claimant and the possessor. The claim shall be fully completed with respect to evidence of replacement before being further processed by the Assistant Regional Commissioner as provided by § 170.75. Nothing in this section is to be construed as extending the 90-day period provided by law and this subpart for the original filing of claims for refund of tax or duty.

§ 170.75 *Action by Assistant Regional Commissioner.* The Assistant Regional Commissioner will date-stamp and examine each claim filed for refund of internal revenue tax or customs duty under this subpart and will cause such investigation to be made as may be necessary to establish the validity of the claim. On conclusion of his examination and investigation, the Assistant Regional Commissioner will, in the case of a claim for refund of internal revenue taxes, determine his action on the claim, respecting the quantity of spirits and wines found to have been lost, rendered unmarketable, or condemned, and include, where applicable, his conclusion as to whether the full equivalent of the spirits and wines has been replaced; the claim will then be processed by him in accordance with existing procedures. Claims involving refund of customs duty will be forwarded with a copy of the report of investigation and a copy of a summary statement by the Assistant Regional Commissioner (setting out his conclusions respecting quantities involved, replacements, etc.) to the Commissioner of Customs.

DESTRUCTION OF SPIRITS AND WINES

§ 170.76 *Supervision.* When refund is made in the amount of the tax, or tax and duty, on spirits and wines rendered unmarketable or condemned as provided in this subpart, such liquors shall be destroyed by suitable means under the supervision of an internal revenue officer who will be assigned for that purpose by the Assistant Regional Commisisoner. The Bureau of Customs will notify the Assistant Regional Commissioner as to refunds of customs duty granted in respect of unmarketable or condemned spirits and wines.

PENALTIES

§ 170.77 *Penalties.* It is an offense punishable by fine and imprisonment for anyone to make or cause to be made any false or fraudulent claim upon the United States, or to make any false or fraudulent statements or representations in support of any claim, or to falsely or fraudulently execute any documents required by the provisions of the internal revenue laws, or any regulations made in pursuance thereof.

This Treasury decision shall be effective on publication in the FEDERAL REGISTER.

Compliance with the public rulemaking and effective date requirements of section 4 (a) and (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest in connection with the issuance of this Treasury decision because of the 90-day time limitation for filing the refund claims.

[SEAL] PAUL K. WEBSTER,
Acting Commissioner of Internal Revenue.
RALPH KELLY,
Commissioner of Customs.

Approved: September 2, 1955.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7230; Filed, Sept. 6, 1955; 8:54 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 95-55]

PART 21—WITNESS FEES

TRAVEL EXPENSES AND SUBSISTENCE OF FEDERAL OFFICERS AND EMPLOYEES APPEARING AS WITNESSES FOR GOVERNMENT IN CASES BEFORE UNITED STATES COURTS

By virtue of the authority vested in me by section 1823 (a) of title 28 of the United States Code, as amended by section 3 of the act of July 28, 1955, 69 Stat. 394, I hereby amend § 21.1 of Chapter I of Title 28 of the Code of Federal Regulations (including the headnote thereof) to read as follows:

§ 21.1 *Officers and employees of the United States summoned as witnesses for the Government in cases before United States courts.* Officers and employees of the United States summoned as witnesses for the Government in cases before United States courts or United States commissioners shall be entitled to necessary expenses incident to travel by common carrier, or, if travel is made by privately-owned automobile, to mileage at the rate of ten cents a mile, together with a per-diem allowance of $12 in lieu of subsistence to be paid under the provisions of the Standardized Government Travel Regulations.

(Sec. 1, 62 Stat. 950, as amended, sec. 3, 69 Stat. 394; 28 U. S. C. 1823)

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

HERBERT BROWNELL, Jr.,
Attorney General.

AUGUST 29, 1955.

[F. R. Doc. 55-7186; Filed, Sept. 6, 1955; 8:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Respiratory Protective Apparatus; Tests for Permissibility; Fees

CORRECTIONS

a. In the FEDERAL REGISTER for Tuesday, April 19, 1955, make the following corrections:

[Bureau of Mines Schedule 19B]

PART 12—SUPPLIED-AIR RESPIRATORS

1. Page 2567, § 12.5 (g) the sentence beginning on line 10 should be corrected to read: "The harness of supplied-air respirators having rigid or semi-rigid head coverings may be used to assist in holding the covering in place."

2. Page 2568, § 12.5 (i) (3) (i) lines 7 to 11 should be corrected to read: "The eyeglasses in Tissot-type masks shall not interfere with satisfactory vision, and they shall be of the nonshatter type. The air shall enter the facepiece in a manner that will keep the eyeglasses free of moisture."

3. Page 2570, § 12.5 (j) (3) (i) (*b*) the sentence should be corrected to read: "The person wearing the respirator will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operated) "

[Bureau of Mines Schedule 21A]

PART 14—FILTER-TYPE, DUST, FUME, AND MIST RESPIRATORS

1. Page 2572, § 14.4 (c) item 1, should be corrected to read:

1. Pneumoconiosis-producing and nuisance dusts, single-use filter, complete respirator, $160.

2. Page 2573, § 14.5 (a) (2) should be corrected to read:

(2) Each respirator and required container shall be marked distinctly with the name of the manufacturer, the type of device, and the name, letter or number by which the device is designated for trade purposes.

3. Page 2574, § 14.5 (e) (2) (ii) (*a*) first sentence should be corrected to read: "Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subdivision (i) of this subparagraph, each filter element being tested three times, once as received, once after cleaning, and once after recleaning."

4. Page 2574, § 14.5 (e) (5) 4th paragraph should be corrected to read:

Test suspension—10±5 milligrams per cubic meter of silica mist, weighed as silica dust, produced by spraying a 2-percent aqueous suspension of ground flint, air-floated (99+ percent, through 325 standard-mesh sieve), which consists of 99+ percent free silica (SiO_2).

5. Page 2575, § 14.10 (a) the first sentence should be corrected to read: "The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired."

b. In the FEDERAL REGISTER, Saturday, April 23, 1955, make the following corrections:

[Bureau of Mines Schedule 14F]

PART 13—GAS MASKS

Page 2713, § 13.6 (g) (2) (iii) (*a*) the sentence beginning on line 8 should be corrected to read. "The minimum life requirements of these tests have been chosen so that canisters that meet the requirements should meet the life requirements of the man tests."

[Bureau of Mines Schedule 23A]

PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS

1. The "Preliminary statement" consisting of paragraph 1, which starts "This Part 14a does not * * *". paragraph 2, which starts, "The purpose of investigations under * * *". and paragraph 3, which starts, "Lists of permissible * * *" is deleted and the following is substituted therefor: "*Preliminary statement.* The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pennsylvania, to conduct tests of nonemergency gas respirators (chemical cartridge respirators) to determine their permissibility."

2. Page 2715, § 14a.5 (b) (7), the sentence beginning on line 7 should be corrected to read: "No nonemergency gas respirator will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed."

3. Page 2716, § 14a.6 (d) (4) (ii), the sentence beginning on line 3 should be corrected to read: "These tests are made on an apparatus that is constructed to allow the test atmosphere to enter the cartridges continuously at pre-determined concentrations and rates of flow and that has means for determining the life of the cartridges."

[Bureau of Mines Schedule 25A]

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Page 2721, § 33.1 (c), should be corrected to read:

(c) A drilling device with integral dust collecting system.

DOUGLAS MCKAY,
Secretary of the Interior

AUGUST 30, 1955.

[F. R. Doc. 55-7181; Filed, Sept. 6, 1955; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 31—PROCEDURE AND BUSINESS OF THE NATIONAL PARK TRUST FUND BOARD

ACCEPTANCE OF DONATIONS

Pursuant to the authority contained in the act of July 10, 1935 (49 Stat. 477), Part 31, Chapter I, Title 36, Code of Federal Regulations, is amended in the following particulars:

Paragraph (b) of § 31.5, entitled *Acceptance of donations,* is amended to read as follows:

(b) The Director of the National Park Service may, as a member and Secretary of the Board, accept on behalf of the Board any gift or bequest which does not specify any particular purpose or purposes and shall notify the Board of his action.

(Sec. 1, 49 Stat. 477; 16 U. S. C. 19)

Issued this 12th day of July 1955.

NATIONAL PARK TRUST FUND BOARD,
[SEAL] DOUGLAS MCKAY,
Member
A. N. OVERBY,
Acting Secretary of the Treasury,
Member
CONRAD L. WIRTH,
Member

[F. R. Doc. 55-7182; Filed, Sept. 6, 1955; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1928]

PART 201—MINERAL DEPOSITS IN THE OUTER CONTINENTAL SHELF

PAYMENTS OF FILING CHARGES, BONUSES, RENTALS AND ROYALTIES

Section 201.5 is amended to read as follows:

§ 201.5 *Payments of filing charges, bonuses, rentals and royalties.* All payments to the United States required by the act or the regulations in this part shall be made to the oil and gas supervisor of the Geological Survey for the region in which the leased area is situated, except that payments of filing charges, bonuses and first year's rental shall be made to the manager of the appropriate field office,[1] Bureau of Land Management, unless otherwise directed by the Secretary. All payments should be made by check, bank draft, or money order payable to the United States Geological Survey, if the payments are made to the Geological Survey, or to the Bureau of Land Management, if the payments are made to that Bureau.

(Sec. 5, 67 Stat. 464; 43 U. S. C. 1334)

DOUGLAS MCKAY,
Secretary of the Interior

AUGUST 30, 1955.

[F. R. Doc. 55-7178; Filed, Sept. 6, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-868]

[Rules Amdt. 1-75]

PART 1—PRACTICE AND PROCEDURE

CONSTRUCTION PERMITS

In the matter of amendment of Part 1 of the Commission's rules governing practice and procedure to waive the requirement for CP in the Safety and Special Radio Services, with certain exceptions.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955,

The Commission having under consideration the matter of construction permits in the Safety and Special Radio Services;

It appearing that the Commission has been given authority under section 319 (d) of the Communications Act of 1934, as amended, to waive the requirement of a permit for construction with respect to certain classes of stations if it finds that the public interest, convenience, or necessity would be served thereby; and

It further appearing that the equipment used in many of the Safety and Special Radio Services is of the "package" variety, not involving any substantial construction, is readily disposable, and except for those cases involving antenna heights that might constitute a menace to air navigation or which may have engineering questions requiring resolution prior to authorization, the requirement for a construction permit serves no useful purpose and the public interest would be served by a waiver thereof; and

It further appearing that the amendments concerning applications which involve the erection of a new antenna, or changes in an existing antenna are subject to the outcome of the proceedings in Docket No. 11306; and

It further appearing that since the changes herein ordered are procedural in nature and grant an exemption, general notice of proposed rule making is unnecessary and the amendment may be made effective immediately;

Now, therefore it is ordered, That, pursuant to authority contained in sections 4 (i), 303, and 319 (d) of the Communications Act of 1934, as amended, a new § 1.333 is added to Part 1 of the Commission's rules, effective immediately as follows:

§ 1.333 *Construction permits.* No construction permit is required for any class of station in the Maritime, Aviation, Public Safety, Industrial, Land Transportation, Citizens Radio, Disaster Communications, and Amateur Services except as follows: A construction permit is required for—

(a) All operational fixed stations;

(b) Land radiopositioning stations in the industrial radiolocation service;

(c) Public coast stations and limited Class I and Class II coast stations;

(d) Shore radiolocation, shore radionavigation, and shore radar stations;

(e) Alaskan public fixed stations; and

(f) Any station involving the erection of a new antenna or changes in an existing antenna if

(1) The antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the overall height of such man-made structure by more than 20 feet, or

(2) The antenna structure proposed to be erected will exceed an overall height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet as a result of such mounting.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 319, 48 Stat. 1082, 1089; 47 U. S. C. 303, 319)

The action herein disposes of the petition of Aeronautical Radio, Inc., for the waiver of construction permit requirements in certain cases under Part 9 of the rules.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7202; Filed, Sept. 6, 1955; 8:49 a. m.]

[Docket No. 11181; FCC 55-897]

[Rules Amdt. 3-55]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; POWER AND ANTENNA HEIGHT REQUIREMENTS

At a session of the Federal Communications Commission held in its offices in Washington, D. C. on the 31st day of August 1955:

The Commission has before it for consideration its Report and Order (FCC 55-802), issued in the above-entitled proceeding on July 22, 1955, amending § 3.614 (b) of its rules relating to antenna height and power requirements for VHF television stations in Zone I. The amendment under the terms of the Report and Order is scheduled to become effective on August 31, 1955.

On August 22, 1955, Elm City Broadcasting Corporation, licensee of Station WNHC-TV on Channel 8 in New Haven, Connecticut, filed a Petition with the Commission requesting that it reconsider and set aside its Report and Order in this proceeding and that the effectiveness of the amendment be stayed pending such reconsideration.

By letter dated August 23, 1955, Mr. T. P. Pike, Assistant Secretary of Defense, requests the Commission to postpone the effective date of the amendment "until such time as the present studies of the Air Coordinating Committee are completed." On August 25, 1955, the Air Transport Association of America filed a Petition also requesting the Commission to postpone the effective date of the amendment until such time as the Air Coordinating Committee issues a report on its current study. In addition, Mr. F. B. Lee, Administrator of Civil Aeronautics Administration, has submitted a letter asking that the Commission postpone the effective date of its amendment until after findings of the Joint Committee are released.

On August 26, 1955, the Ultra High Frequency Industry Coordinating Committee also filed a Petition for Reconsideration, asking that the Commission set aside its Report and Order in this proceeding; stay the effectiveness of the new rules pending action on its request; and institute further rule making proceedings.

The Commission believes that the public interest would be served by staying the effectiveness of the amendment in order that it may afford consideration to the above requests.

In view of the foregoing: *It is ordered,* That, the effective date of the amend-

[1] At present the only field office authorized to accept such payments is the Outer Continental Shelf Office at New Orleans, Louisiana.

ments of the Commission's rules and regulations adopted by its Report and Order issued July 22, 1955, in this proceeding, is extended to October 1, 1955.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7203; Filed, Sept. 6, 1955; 8:49 a. m.]

[Docket No. 11451; FCC 55-878]

[Rules Amdts. 7-2 and 8-1]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

AVAILABILITY OF FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2558 kc (coast) and 2166 kc (ship) available in the vicinity of Baltimore, Maryland.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter, which made provision for submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5209) and that the period for filing comments has now expired; and

It further appearing that the only comments received were those of the American Merchant Marine Institute, Inc., favoring adoption of the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c) (d) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective October 7, 1955, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.306 (b) is amended by changing the table of frequencies as follows:

After the Wilmington, Delaware portion of the frequency table, insert the following:

Baltimore, Md.....	2558	None.....	2166	None.

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1) is amended by changing the table of frequencies as follows:

After the Wilmington, Delaware, portion of the frequency table, insert the following:

Baltimore, Md.....	2166	None.....	2558	None.

[F. R. Doc. 55-7204; Filed, Sept. 6, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO 232-A4]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, was formulated was conducted at San Antonio, Texas, January 24 and April 1, 1955 (20 F. R. 344) and (20 F. R. 1700) The material issues of record related to:

(1) Revision of the definition of a pool plant and in payments for milk to cooperative associations;

(2) Modification in the application of compensatory payments on unpriced other source milk and in the allocation provisions of the order; and

(3) The level of Class I prices.

Findings and conclusions. The findings and conclusions with respect to the material issues, all of which are based on the evidence introduced at the hearing, and the record thereof are as follows:

1. Provision should be made whereby the Grade A plant of a cooperative association may become a pool plant under the order and whereby cooperative associations may receive payment from handlers for the milk of their members.

The pool plant definition should be changed to include a plant which is operated by a cooperative association and is approved by the appropriate health authority to supply Grade A milk for the marketing area, if 75 percent or more of the producer milk from members of such association is delivered directly by such producers or is transferred by the association from its approved plant during the month to the pool plants of other handlers.

The Producers Association of San Antonio, a cooperative bargaining association representing a majority of the producers supplying the San Antonio marketing area, operates a Grade A receiving plant which is located in San Antonio. This plant was established primarily for the purpose of assembling and cooling milk for its producer-members which milk temporarily may not be needed by proprietary handlers for Class I purposes. The association maintains tank truck facilities for moving such milk to handlers who may require additional milk on short notice or for temporary periods. There may be advantages and economies gained by the association and the receiving handler in transferring such milk in tank lots rather than shifting the producers' deliveries to other plants. Occasionally, milk received by the association at its plant is not needed in the market and the association moves the milk to other outlets, including manufacturing plants. Thus, this plant serves to equalize the supply of producer milk at distributing plants in accordance with their needs. At most times, nearly all of the milk of

the cooperative's members is delivered directly to pool plants. It would be uneconomic for the association to receive the milk of its members at its plant and then make regular transfers of milk to the pool plants of other handlers. No provision is made under the terms of the present order for the regulation of milk handling or for the pooling of milk at supply plants. All of the milk which is received from producers is produced within a relatively short distance from San Antonio and may be marketed more efficiently by delivery directly to handlers' distributing plants located in the marketing area.

At the present time, milk which is received from producers at the cooperative plant must be diverted from a pool plant by the association in order to participate in the market-wide pool. Transfers of milk from the association's plant to the pool plant of another handler is considered as a receipt of other source milk at such handler's pool plant. It is desirable, therefore, that the Grade A plant operated by the association be considered as a pool plant under the order. In this manner, the milk of the association's producer-members who are regularly associated with the market would be pooled even though such milk is not received by a plant qualifying as a pool plant by route distribution in the marketing area. The designation as a pool plant of a plant such as is operated by this association will facilitate the transfer of milk from such a plant to other handlers as an interhandler transfer. The inclusion of such plant as a pool plant will assure that all producer milk associated with the market will be included in the pool each month and therefore reflect the true monthly market receipts and utilization.

In view of the above stated considerations, it is concluded that a Grade A plant of any association whose producer-members are primarily associated with the San Antonio market should be considered as a pool plant. It is considered the requirement that not less than 75 percent of the milk of the cooperative's producer-members be received during the month directly at the pool plants of other handlers or transferred by the cooperative association from its plant to the pool plants of other handlers is reasonable.

It was also proposed by producers that provision be made for the association to receive payment for the milk of its members which it causes to be delivered to a pool plant. The cooperative contended since it will be necessary to pay their producer-members for milk received at their pool plant and because producers are quite frequently shifted from one plant to another during the month, the payment for milk may be facilitated by making it possible for the association to pay their members.

The record shows that the association has assumed the responsibility of allocating milk of their members among regulated handlers. The association is duly licensed to transport fluid milk in its own trucks and has at times used these facilities to transfer milk of its members to handlers. It has also transported approved milk from other markets to meet deficits and has moved producer milk to manufacturing outlets at times of temporary excesses. The taking of title to milk of its members and the blending of the proceeds from the sales of milk of its members will assist the cooperative association in discharging its responsibilities to its members and to the market and such functions can be accomplished more expediently if the association is collecting payments for the sales of member milk.

The association's contract with its members authorizes the association to collect payment for the milk of its members. The act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. It is concluded, therefore, that each handler shall, if requested in writing by the cooperative association, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th day of the month for the milk received during the first 15 days of the month and make the final settlement for the milk received during the month on or before the 13th day of the following month. In the case of final payment, the date is two days in advance of the date in which a handler is required to pay individual producers for their milk. The handler should be required to furnish the cooperative association with such payments, a supporting statement showing the pounds and butterfat tests of milk received for each producer, the rate or rates of payment for such milk and a description of any deductions claimed by the handler.

The recommended provisions for a plant operated by a cooperative association to achieve pool plant status and for a producer association to receive payment for the milk of its members will tend to promote the orderly marketing of milk in this market.

2. Proposals to amend the compensatory payment provisions of the order should be denied.

The order now provides that handlers make compensatory payments on unpriced Class I milk during the months of January through August. During the months of February through July the rate of such payments is the difference between the Class II price adjusted by the Class II butterfat differential and the Class I price adjusted by the Class I butterfat differential and a location differential. For the months of January and August the compensatory payment is at the rate of the difference between the Class I price and the uniform price to producers, both adjusted by the Class I butterfat differential. No compensatory payments on unpriced Class I milk are required during the months of September through December.

The producer association proposed that the order provisions relative to payments on unpriced milk which, are now effective January through August, be inoperative during any such month that 95 percent or more of producer milk is classified as Class I milk. It was contended that under such a supply-demand relationship, compensatory payments on unpriced milk are not necessary. It was stated also that if the producer association plant is made a pool plant, the milk of member-producers who may be cut off by handlers would be received at the cooperative's plant and included in the total market receipts. Such milk would then be reflected in the ratio of Class I sales to producer receipts for determining the application of the compensatory payment provisions.

As indicated above, no compensatory payments are now required September through December and such payments as might be required for January and August would be based on the relationship of Class I sales to producer milk receipts. In effect, the intent of the producer association proposal to have operation of the compensatory payment provision contingent on the ratio of Class I sales to producer receipts is now accorded appropriate consideration in the order for those months when milk from local producers is shortest in relation to the Class I needs of the market and therefore it is not necessary to adopt the proposal in order to attain the ends sought by the proponents of the amendment.

A proposal was made by handlers also to eliminate compensatory payments on other source serum solids used in the form of condensed or nonfat dry milk solids to fortify skim milk and cultured buttermilk.

Nearly all handlers in the market purchase solids from other sources to combine with producer milk when available for buttermilk and fortified milk drinks. Although the facilities for processing skim milk into condensed milk products in pool plants are limited, there are handlers who, at times, produce such products for subsequent use in their Class I operations.

Solids for use in fluid milk products are required by the health regulations to be made from Grade A milk. Such solids are classified as Class I milk when disposed of in a Class I product the same as all other Class I solids. There appears to be no reason in this market why one portion of the solids nonfat contained in Class I products should be treated differently from another portion.

Insofar as the classification provisions of the present order are concerned, nonfat solids which may originate from fluid-skim milk and concentrated skim milk products, both from producer milk and other source milk, are treated alike. In applying the reclassification provisions of the order, however, there are some differences. Concentrated solids made from producer milk which are later reused by the handler for Class I products are reclassified at the difference between the Class I and Class II prices at the time that they are reused. The reclassification charge on solids derived from other source milk is applied through the application of the compensatory payments on other source milk. The compensatory payment rate is the difference between the Class I and Class II prices during the months of February through July and during other months

of the year the difference between the Class I price and the uniform price to producers. To adopt the proponent's proposal to eliminate compensatory payments on solids from other source milk without some change in the method of reclassifying solids from producer milk would create gross inequality in the cost of milk among handlers. It is therefore concluded that no change should be made on the basis of this record. If there develops a need to change the present order with respect to such reclassification charges, it should be more thoroughly explored at another hearing.

The findings and conclusions of the final decision issued December 16, 1953 (18 F R. 8585) with respect to the need for compensatory payments in this market are equally applicable at the present time. The findings herein set forth are supplementary and in addition to the findings and conclusions of that decision. The findings and conclusions of that decision are hereby adopted as a part of this decision insofar as such findings are not in conflict with the findings in this decision.

In connection with the proposal to revise the allocation provisions relative to other source milk, it was proposed at the hearing that a change be made in the language of these provisions to accommodate transactions involved in custom bottled milk.

As now provided in the order, milk received from a nonpool plant in the form of packaged fluid milk which is not in excess of the volume of bulk milk transferred by the pool plant to such nonpool plant and classified as Class I milk is allocated against the gross Class I sales of the pool plant. It was proposed that transfers of milk in the form of either bulk or packaged milk be permitted to offset the receipts of custom bottled milk at the pool plant. Testimony showed that the same company operates plants in San Antonio and Austin, Texas. Neither plant is equipped to package milk in containers of all sizes and therefore it is necessary to exchange packaged milk between the two plants. It was contended that the proposed change would facilitate the transfer of milk between such plants.

The proposed change will in no way alter the intent of the present order provisions. Since a pool plant is required to transfer an equivalent quantity of milk to the nonpool plant as Class I milk, the priority for allocating producer milk to Class I utilization to the fullest extent possible is preserved whether such transfers be made in bulk or packaged form. The allocation provision should be changed, therefore, by deleting the reference to bulk milk and substitute therefore bulk or packaged milk.

3. The order should be revised to effectuate a more appropriate Class I price relationship between the San Antonio market and other regulated markets from which handlers compete with San Antonio handlers in the procurement and sale of milk.

As now provided in the order, various factors are utilized in determining the Class I price. A primary component in the Class I price determination is the price computed pursuant to an economic type formula which reflects business conditions and milk production costs. This formula is modified by a supply-demand adjustment factor based on producer receipts in relation to Class I disposition by handlers during the two months immediately preceding. The order further provides that the Class I price may not be less than the average of the prices paid by the 13 "Midwestern Condenseries" plus $2.00 nor more than such midwestern condensery price plus $2.50 for each of the months of April, May and June and $2.70 for each of the other months. In addition, the order provides that the Class I price shall not be higher than the North Texas order Class I price plus 50 cents.

Testimony presented at the hearing dealt principally with the need for a proper alignment of prices between the San Antonio and other Federal order markets in Texas. Handler and producer representatives in the San Antonio market were especially concerned with the level of the Class I price at Austin under the Austin-Waco order, which, at the time of the hearing, was 30 cents below the San Antonio order Class I price. Austin is 77 miles from San Antonio and handlers in both markets compete for Class I sales not only on retail and wholesale routes at various locations, but also in bidding on the contracts to supply the several large military installations in the vicinity.

Both handlers and producers testified that the 30 cent difference between the order Class I prices at Austin and San Antonio is inappropriate in that it does not reflect an economically justifiable relationship between the two markets. The handlers contended that the price under the Austin-Waco order applicable at Austin should be increased or the San Antonio Class I price should be decreased in order to effectuate an alignment of prices which gives proper consideration to the cost of moving milk from Austin to San Antonio. This should be accomplished, according to the handlers, by providing for a difference of 12 cents between the Class I price at Austin and San Antonio, with the San Antonio price being the higher. The position of San Antonio producers was similar to that expressed by handlers except that they claimed that there is no justification for lowering the San Antonio price at this time. It was the contention of the San Antonio producer association that the relationship in prices between San Antonio and Austin should be corrected by adjustment of the Austin-Waco order price applicable at Austin.

There are numerous large military installations in and near San Antonio and bidding by handlers on these contracts is highly competitive. Handlers under the North Texas and Austin-Waco orders, as well as those under the San Antonio order, bid regularly on some of these contracts and have been able in the past to obtain such contracts no less frequently than San Antonio handlers. Because of the highly competitive nature of the business in this area, it is especially important that as precise an alignment of Class I prices as possible between the various order markets be effectuated.

Although it was not stated at the hearing that Austin handlers anticipate expansion of their sales territory into the San Antonio market or are threatening to take away military installation business or other business from San Antonio handlers by reason of the price advantage which handlers in the latter market contend Austin handlers now enjoy, it was indicated, however, that if the relationship which existed at the time of the hearing was continued San Antonio handlers would be at a distinct disadvantage in competing with Austin handlers. The maintenance of such relationship of prices, it was contended, would place Austin handlers in an unjustifiably favorable position in bidding on the contracts to supply fluid milk products to the various large military establishments.

The San Antonio market is a deficit market in that producer deliveries are inadequate for the Class I needs of the market in most months of the year. Although it is important to maintain prices to producers as high as economic conditions warrant in order to encourage more milk production, there are other factors besides the relationship between the supply of producer milk for, and the Class I sales in, this market which must be considered in establishing the appropriate level of Class I prices.

At the time of the hearing, the San Antonio Class I price was 50 cents above that under the North Texas order. Official notice is herein taken of the Class I prices which have been announced by the market administrators for the North Texas and San Antonio orders through July of this year. Although the San Antonio Class I price was the North Texas Class I price plus 50 cents for each of the months of January through April, the corresponding differential by which the San Antonio Class I price exceeded the North Texas Class I price for May, June and July was 47, 44 and 33 cents, respectively.

It has been recognized in the San Antonio order and in other Federal orders regulating the handling of milk in Texas that milk generally has a higher value as it moves from north to south and from east to west in the State. This is because the conditions affecting production of milk are less favorable in these more distant areas and a generally higher level of milk prices prevails as milk moves farther away from the surplus milk producing areas of the country.

The marketing area regulated by the North Texas order is one of the principal milk markets in Texas. The Class I price which is provided under that order is frequently used and widely accepted as a basis for establishing Class I prices not only in other Federal orders in the Southwest but in many smaller unregulated markets in the region. The prices which North Texas handlers must pay for Class I milk have a significant meaning in the San Antonio marketing area since milk from North Texas is moved to San Antonio, particularly in periods of short supply, to meet the Class I needs of San Antonio handlers. At least two companies operate plants in both markets which may facilitate the

movement of milk to the San Antonio area in both bulk and packaged form. In addition, North Texas handlers are continually supplying large quantities of Class I milk to military installations in the Austin-Waco and San Antonio areas.

To maintain stable marketing conditions in the San Antonio market and to insure that handlers in the market will be on a equitable basis in the procurement of milk with handlers who compete with them, it is necessary that the level of Class I prices in San Antonio be no greater than the North Texas Class I price level plus the cost of moving milk from North Texas to San Antonio. Furthermore, provision should be made to coordinate month to month changes in Class I prices in all of these interrelated markets.

Handlers also contended that North Texas distributors were able to move milk into San Antonio at an apparent transportation cost of less than 50 cents per hundredweight and that the Class I price differential of 50 cents above the North Texas price placed them at a disadvantage in competing with North Texas distributors. Information was presented at the hearing to show costs of transporting milk from North Texas to San Antonio as well as to points in the intervening Austin-Waco marketing area. This information indicates considerable variation in transportation rates. Different rates were shown to have been charged for transporting milk to San Antonio. Quoted rates of commercial milk haulers likewise varied as did the purported costs of milk dealers who maintain their own trucking facilities. Transportation costs like other costs involved in the handling of milk vary widely because of the various factors, such as, regularity in the movements of milk, ownership of the trucking facilities, the size of loads and the type of trucks that are available and the frequency of use of such facilities.

It is especially necessary in establishing a differential by which the San Antonio Class I price exceeds that under the North Texas order to give full consideration to those costs which are most representative and which best meet the needs of the San Antonio market. The evidence indicates that a 50-cent differential represents a difference in prices which is somewhat higher than the cost of moving milk from the North Texas area to San Antonio by an efficient means of transportation.

In view of the above stated considerations, it is concluded that the Class I price under the San Antonio order should be the Class I price for the month under Order No. 43 regulating the handling of milk in the North Texas marketing area plus 42 cents. This 42-cent differential was determined by applying a rate of 1.5 cents per hundredweight for each 10 miles, to the 276 miles between Dallas and San Antonio.

Notice is hereby taken of a recommended decision of the Deputy Administrator of the Agricultural Marketing Service issued as of this date on proposed amendments to Order No. 52 regulating the handling of milk in the Austin-Waco marketing area. In that decision, it is concluded that the Class I price at the various pool plants in that marketing area should be equivalent to the North Texas Class I price plus 1.5 cents for each 10 miles that such plant is located from the North Texas marketing area. This recommended pricing arrangement would result in a Class I price in plants located in the vicinity of Waco and Austin of approximately 17 cents and 29 cents, respectively, above the North Texas Class I price. At plants in the most southern portion of the Austin-Waco marketing area, which are located 30 to 40 miles north of San Antonio, the Class I price would be 38 cents above the North Texas Class I price. The proposed level of prices which will obtain for the San Antonio market is reasonable and economically sound in relation to prices prevailing for milk in other federal markets in Texas and from alternative dairy regions of the country. The recommended pricing provision would not only maintain a more appropriate relationship with the North Texas Class I price but would also effectuate an appropriate alignment with the Class I prices provided in the nearby Federal order markets of Corpus Christi and Austin-Waco at the various locations in these marketing areas. The proposed method of pricing will provide producers a Class I price related to supply-demand conditions in this general region and assist in correlating month to month price changes among the various markets more effectively than the present Class I pricing provision of the order.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions on behalf of interested persons concerning the issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and amendment to the order, as amended. The following order, as amended, is recommended, as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

(1) Delete the proviso in § 949.7 and substitute therefor the following: "*Provided,* That a pool plant shall include any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is operated by a cooperative association and 75 percent or more of the producer milk from members of such association is received during the month at the pool plants of other handlers or is transferred to such plants from the plant of the cooperative association."

(2) In § 949.46 (a) (4), delete the words "bulk milk" and substitute therefor the words "bulk or packaged milk."

(3) Delete §§ 949.51 and 949.52 and substitute therefor the following:

§ 949.51 *Class I milk.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area plus 42 cents.

4. Renumber §§ 949.53, 949.54 and 949.55 and all references to them wherever they appear in the order to read "§§ 949.52, 949.53 and 949.54", respectively.

5. Delete § 949.60 and substitute the following therefor:

§ 949.60 *Time and method of payment.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of such month at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of the month during which the milk was received at not less than the uniform price per hundredweight computed for such month pursuant to § 949.71 subject to the following adjustments: (1) The butterfat differential pursuant to § 949.81, (2) the payment made pursuant to paragraph (a) of this section, (3) marketing service deductions pursuant to § 949.86, and (4) proper deductions authorized by such producer: *Provided,* That if by such date such handler has not received full payment pursuant to § 949.84, he may reduce his total payment to all producers pro rata by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date

for making such payments next following receipt of the balance due from the market administrator.

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show:

(1) The month for which payment is made and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

Issued at Washington, D. C., this 1st day of September 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator

[F. R. Doc. 55-7227; Filed, Sept. 6, 1955; 8:53 a. m.]

[7 CFR Part 952]

[Docket No. AO 252-A1]

HANDLING OF MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Austin-Waco, Texas, marketing area. Interested parties may file written exceptions to this decisions with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Austin, Texas, on March 29-31, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER on March 22, 1955 (20 F R. 1700)

The material issues of record are concerned with:

1. A decrease in the price of milk used in the production of Cheddar cheese;

2. The need for immediate action by the Secretary with respect to Issue No. 1,

3. The level of the Class I milk price and revision of the location differentials applicable to such price;

4. The classification at a regulated plant of milk received from another regulated plant; and

5. Classification of the "route" definition as now provided in the order.

Findings and conclusions. By an emergency decision of the Assistant Secretary issued April 21, 1955 (20 F. R. 2773) action has been taken with respect to Issues No. 1 and No. 2. Findings and conclusions with respect to the remaining material issues, all of which are based on the evidence introduced at the hearing, and the record thereof, are as follows:

3. Refinements should be made in the establishment of the Class I prices for milk received from producer at fluid milk plants.

The order now provides that the Class I milk price in the southern portion of the Austin-Waco marketing area (Zone I) is 45 cents above that provided in the North Texas order (Dallas, Fort Worth) The Class I milk price at plants located outside Zone I and up to 180 miles from such zone as measured from New Braunfels, Texas, is 25 cents less than the Zone I Class I milk price. At plants more than 180 miles but not more than 360 miles from New Braunfels the Class I milk price is 45 cents less than if received at a plant in Zone I. For producer milk received at plants located beyond 360 miles the Class I milk price is reduced an additional 2 cents for each additional 10 miles beyond 360 miles.

The present location adjustment provisions result in a difference of 25 cents between the prices paid producers for Class I milk at plants located in Zone 1 and the prices paid by handlers with plants in Austin, which is only 45 miles from New Braunfels. These plants compete with each other and with handlers from the San Antonio market not only in the procurement of milk from producers but also for sales of fluid milk to retail and wholesale outlets. Plants located in Waco-Temple portion of the marketing area pay the same Class I price as handlers in the Austin market and compete with North Texas handlers for retail and wholesale outlets in the Austin-Waco marketing area. The City of Waco is approximately 100 miles nearer to Dallas than is Austin. About one-third of the milk which is distributed to retail and wholesale outlets in the marketing area is supplied by North Texas handlers. This milk is classified and priced under the North Texas order at 20 cents less than the Class I milk price applicable in the cities of Austin and Waco under the order. North Texas handlers sold substantial quantities of milk in the Austin-Waco marketing area prior to the inception of the Austin-Waco order. A relatively small volume of milk also is disposed of in the west-central portion of the marketing area by a handler who is regulated under Order No. 82 for the Central West Texas marketing area.

A handler who operates a fluid milk plant at New Braunfels, Texas proposed that the Class I price in the southern portion of the marketing area (Zone I) be established at 40 cents above the North Texas Class I price and that two additional price zones be established to the north of Zone I. Under this proposal, the second zone would include Austin and the area surrounding it and the third zone would contain the Temple-Waco area. The Class I prices above that for North Texas would be 30 cents for the second zone and 20 cents for the third zone. This handler testified that there is now too great a difference between the prices in Zone I, where his plant is located, and prices at Austin, where he also has retail and wholesale distribution outlets. He contended that there is no economic justification for a 25-cent difference in the Class I prices between Zone I and the remaining portion of the marketing area. He further contended that the economics of the situation require a graduated schedule of prices above the North Texas Class I price moving from north to south through the marketing area.

Handlers in the Austin area supported the present method of pricing Class I milk and contended that more experi-

ence is needed under the order before the pricing schedule is changed and a similar position was taken by a handler located in Waco. The testimony of these handlers, however, indicates that the present difference between the Class I price at Waco and the North Texas Class I price is too great. These handlers stated that they would prefer that the level of Class I milk price now applicable under the order at Austin and Waco be retained and that provision be made for a compensatory payment on milk disposed of by North Texas handlers in the Austin-Waco marketing area.

Representatives of the San Antonio Producers Association and handlers regulated by the San Antonio order testified that the relationship between the San Antonio and Austin-Waco order Class I prices for plants located in the Austin portion of the marketing area is inconsistent with the general pattern of Class I prices established under Federal orders and particularly under the orders which are in effect in the State of Texas. These handlers argued that either the San Antonio price must be reduced or the Austin price be increased to equalize the competitive situation with respect to the procurement and sale of milk in the overlapping territory wherein handlers under both orders compete with each other. The presence of a number of government installations in and adjacent to the San Antonio marketing area which offers substantial contract business was emphasized. These handlers suggested that the difference between the respective order Class I prices at San Antonio and Austin should not be more than 10 or 12 cents per hundredweight. At the time of the hearing the San Antonio order Class I price (the North Texas Class I price plus 50 cents) was 30 cents above the Austin-Waco order Class I price at Austin.

The Mid-Tex Milk Producers Association, representing a majority of the producers supplying milk to the Austin-Waco marketing area, testified in favor of the present price arrangement and proposed compensatory payments on milk disposed of by plants not subject to the Austin-Waco order. Later in the hearing, a statement was offered to the effect that if different levels of prices were to apply in the Waco and Austin portions of the marketing area, this difference should not be more than 5 or 10 cents per hundredweight.

The testimony and arguments presented at the hearing failed to support a provision for compensatory payments. Nearly all of the testimony was offered in reference to the sales of milk which is subject to the classification and pricing provisions of Order No. 43 for the North Texas marketing area. It was suggested that handlers under the North Texas order have an advantage over handlers under the Austin-Waco order in competing for sales in the Austin-Waco marketing area because of a disparity in the Class I milk prices under the two orders.

It was previously concluded in a decision issued in connection with the promulgation of the Austin-Waco order that Class I prices in this area must be aligned with North Texas Class I prices and such prices should not exceed the North Texas Class I price by more than the cost of moving milk from North Texas plants to the Austin-Waco marketing area. It was also indicated in that decision that under the proper pricing arrangement the adoption of compensatory payments would serve no purpose. So long as prices in the Austin-Waco area are related to North Texas prices and the cost of moving milk to the area and the compensatory payment rate is adjusted by the corresponding transportation rate, there would be no payment on milk originating at North Texas plants which is disposed of in the Austin-Waco marketing area. The introduction of compensatory payments, therefore, would have no significance under the present provisions of the order. Under prevailing conditions in this market, the application of compensatory payments on Class I milk from other federally regulated markets on any other basis might discriminate against other producers of milk.

Since only the prices that handlers are required to pay producers for raw milk are subject to regulation under an order, the appropriate solution to the pricing problem in this area is to adjust the Class I price levels under the Austin-Waco order so that handlers who procure milk under the North Texas order and make sales in the Austin-Waco marketing area do not have an advantage over Austin-Waco handlers in the procurement of milk after considering the cost of moving milk to the marketing area. This should be accomplished by providing the appropriate basic level of prices to which location adjustments apply under the Austin-Waco order and by the proper degree of refinement in the application of such adjustments.

The total Class I sales in the Austin-Waco marketing area (excluding sales by North Texas, Central West Texas and San Antonio handlers) was 9.3 million pounds in February 1955, the month immediately preceding the hearing and the only full month that market-wide data were available for the hearing. Receipts of producer milk during this month were 10.1 million pounds. The sales of handlers from these outside areas amounted to approximately 4 million pounds during the month. It is evident, therefore, that the total Class I sales in the Austin-Waco marketing area exceed receipts of producer milk by about 3 million pounds. Because of the normal seasonal pattern in milk production, it may be concluded that producer receipts in relation to Class I sales were even less during the immediately preceding six months in which production is usually at lower levels.

Because of the proximity of the Austin-Waco market to the North Texas market and especially because handlers from the North Texas area already sell substantial volumes of milk in this area it is essential that the prices which are established under the order for producer milk for Class I uses are no higher than the prices paid by North Texas handlers plus the cost of moving milk to the respective regions of the Austin-Waco marketing area. In view of the fact that the marketing area extends nearly 200 miles from north to south and under the present order, the same Class I price applies to a region extending over nearly 175 miles of this distance, it is clear that a Class I price which is appropriate for one portion of the marketing area will not reflect the economic value of the milk in other portions of the marketing area.

As previously indicated, the pricing problem resolves itself into that of returning to producers who supply milk to plants located in the various portions of the marketing area a price which will encourage the production of Grade A milk to the fullest extent that is justified by economic considerations and at the same time gain as high a Class I utilization as practicable. This basis of pricing over a period of time is in the best interest of producers, handlers and consumers throughout the marketing area.

It has been recognized in this and the other Federal orders regulating the handling of milk in Texas that milk generally has a higher value as it moves from north to south and from east to west in the State. This is because the conditions affecting production of milk are less favorable in these more distant areas and a generally higher level of milk prices prevails as milk moves farther away from the surplus milk producing areas of the country.

Evidence which was presented at the hearing by local handlers indicated that the present location adjustment rates may be somewhat higher than the cost of moving milk by the most efficient means of transportation and exceed by a wide margin the costs which local handlers claim they incur in their own trucking operations. One handler testified that his cost per hundredweight of moving milk by tank truck was approximately one cent for each 10 miles. His testimony indicated further, that this operation was efficiently maintained but it was not clear on the record whether all overhead costs properly applicable to such operation were allocated to it. Another handler claimed similar costs on a large scale wholesale route. Other hauling rates entered as evidence in the record are the rates for intermittent or irregular hauls charged by the Dairyland Transportation Company, a commercial hauler. The rates charged by this company vary slightly based on the size of the tank truck. The rate per mile decreases as the distance of the haul increases. On hauls of a hundred miles, the rate charged by this company is approximately two cents per hundredweight for each 10 miles and is correspondingly less for greater distances.

Much testimony was presented at the Austin-Waco promulgation hearing relative to the location adjustment rate which should be contained in the order. The brief experience in the market since that time would indicate that the location adjustment rates provided as a result of that hearing are not reasonable in view of the actual costs of moving milk throughout and in the vicinity of the marketing area. To retain the same level of location adjustment rates as are now applied under the order would be economically unsound and is likely to provide advantages to some handlers in

the market at the expense of other handlers.

Although the basic factor involved in establishing location adjustment rates is the cost of transportation, transportation costs, like other costs involved in the handling of milk, will vary widely because of the various factors affecting such costs such as: irregularity at which movements of milk are made, the facilities for moving milk, the size of the loads and capacity of trucks available for moving the milk, and the frequency of the use of such facilities. It is especially necessary in establishing a location adjustment rate to establish a rate which gives full consideration to those costs which are most representative and best meet the needs in a given marketing area.

In view of the above stated considerations, it is concluded that the rate for determining location adjustments under the order should be reduced from 2 cents to 1.5 cents for each 10 miles. Based on this rate of location or transportation adjustment, the price for Class I milk at a fluid milk plant located in Zone I would be reduced from 45 cents to 38 cents above the North Texas Class I price. The price to be applied for Class I milk at plants located outside of Zone I would be reduced 1.5 cents for each 10 miles that the fluid milk plant is located outside of Zone I as measured by the straight line distance to such plant from New Braunfels, Texas. This will result in a Class I price at plants located in Austin and Waco of approximately 29 cents and 17 cents, respectively, above the North Texas Class I price.

The proposed schedule of prices for Class I milk at various plants in or outside of the marketing area will reflect its economic value to the market at the respective locations of such plants. It also will provide a level of prices at such plants which is reasonable and economically sound in relation to prices prevailing for milk both in the North Texas marketing area and from alternative sources of supply in other dairy regions of the country.

Notice is hereby taken of a recommended decision of the Deputy Administrator of the Agricultural Marketing Service issued as of this date on proposed amendments to Order No. 49 regulating the handling of milk in the San Antonio marketing area. In that decision, it is concluded that the Class I price of the San Antonio marketing area should be the North Texas Class I price plus 42 cents. The level of prices recommended for the Austin-Waco marketing area is consistent with and reflects the appropriate economic relationship with prices recommended for the San Antonio marketing area. The level of prices recommended for the San Antonio and for the Austin-Waco marketing areas will reflect a reasonable and appropriate economic relationship with prices in the Corpus Christi marketing area, which is also subject to Federal regulation and which at times may depend on milk from these regulated areas as a source of supplemental supplies.

In view of the fact that the Class I price under the Austin-Waco order is based solely upon the North Texas Class I price, provision should be made for a basis of determining the Class I price if for some reason the North Texas order were terminated or temporarily suspended. It is possible that other price quotations applied in other order provisions may at some future time not be available on the basis specified in the order. It is concluded, therefore, that provision should be made for the market administrator to use a price determined by the Secretary to be equivalent to the price specified in the order in case such price is not available in the form specified. A similar provision is included in a number of other Federal orders.

4. The order provision relative to classification of milk transferred between regulated plants should be revised.

Fluid milk products transferred from one regulated plant to another are now classified on the basis of the agreed classification reported by the handlers operating such plants. In order for the milk to be classified as Class II milk, the transferee plant must have an equivalent amount of Class II utilization, and if either of the handlers have other source milk, the milk transferred must be classified so as to allocate the greatest possible Class I utilization to the producer milk of both handlers.

It was proposed that the order be amended to provide that milk transferred between regulated plants be classified as Class II milk to the extent of the Class II utilization remaining in the transferee plant after allocating other source milk to Class II. The testimony showed that the present transfer provisions in conjunction with the individual handler pool permit the classification of transfers as Class I milk while all of the Class II utilization in the transferee plant is assigned to producers directly supplying such plant. It was shown that this resulted in inequality in returns to producers.

It is in the interest of good marketing practice to encourage plants to procure their requirements for Class I milk from the nearest source and to keep expenditures for transportation in the marketing of producer milk at a minimum. However, it is not possible for a plant to keep receipts of producer milk in perfect balance with Class I sales in each month of the year. Because of day to day and month to month fluctuations in Class I sales and in the production of milk, it is necessary for a distributing plant to maintain a reserve of milk above daily bottling requirements. This reserve milk, therefore, must be utilized in manufactured Class II products. In the case of plants which procure their milk supplies both directly from producers and from other plants, it is not reasonable that such producers should bear the entire cost of carrying the necessary reserve. Likewise, it is also not reasonable for the producers who furnish milk to supply plants to bear the entire cost of carrying such reserves for the distributing plant which processes their milk.

It is concluded, therefore, that the transfer provision should be amended to provide that the proportion of the milk which is transferred between two regulated plants and classified as Class I milk shall not exceed the proportion of producer milk assigned to Class I utilization in the transferee plant. This will provide for equality in the classification of milk of producers supplying both plants.

5. The definition of a "route" as now provided in the order should not be changed.

It was proposed at the hearing that the route definition be amended to provide that milk received in consumer packages will not displace producer milk in Class I utilizations. Under the allocation provisions of the order, bulk milk which is transferred to another plant for custom bottling as Class I milk and is again received by the distributing plant in consumer packages is allocated from the Class I sales of the distributing plant. This is done because when the milk is transferred by the distributing plant for custom bottling, it is classified as a Class I disposition and again when it is disposed of to retail or wholesale outlets by such plant. Packaged milk which is received from a non-fluid milk plant in the absence of a custom bottling arrangement is considered as other source milk. Even though other source milk may be used in the custom bottling transaction, producer milk in the distributing plant is assured the full Class I disposition of such plant because all other source milk in such plant is allocated first to Class II utilization. Therefore, the present allocation provisions of the order carry out the full intent of the proposal and no change is necessary in the route definition.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the con-

clusions heremabefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order The following order amending the order, regulating the handling of milk in the Austin-Waco, Texas, marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as proposed here to be amended.

1. Delete § 952.44 (a) and substitute therefor the following:

(a) In the classification indicated by both handlers in their reports submitted for the month to the market administrator pursuant to § 952.30 if transferred in the form of products designated as Class I milk in § 952.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler: *Provided,* That the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class I milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler: *And provided further* That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers.

2. In § 952.50 delete "45 cents" and substitute therefor "38 cents."

3. Delete § 952.53 and substitute therefor the following:

§ 952.53 *Location adjustments to handlers.* For that milk which is received from producers at a fluid milk plant located outside of Zone I and classified as Class I milk the price specified in § 952.50 shall be reduced 1.5 cents for each 10 miles or fraction thereof by the straight line distance as determined by the market administrator that such plant is from New Braunfels, Texas.

4. Add a new section to read as follows:

§ 952.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

5. Delete § 952.92 and substitute therefor the following:

§ 952.92 *Location differential to producers.* In making payment to producers pursuant to § 952.90, the uniform price and the base price to be paid for producer milk received at a fluid milk plant located outside of Zone I shall be reduced 1.5 cents for each 10 miles or fraction thereof by the straight line distance as determined by the market administrator that such plant is from New Braunfels, Texas.

Issued at Washington, D. C., this 1st day of September 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-7225; Filed, Sept. 6, 1955; 8:53 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-14-RO1]

HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING WRITTEN EXCEPTIONS TO TENTATIVE DECISION

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time within which interested parties may file exceptions to the tentative decision of the Assistant Secretary, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, which tentative decision was published in the FEDERAL REGISTER on August 20, 1955 (20 F. R. 6102) is hereby extended so that such written exceptions may be filed not later than the close of business on October 1, 1955.

Dated: September 1, 1955.

[SEAL] EARL L. BUTZ, *Acting Secretary.*

[F. R. Doc. 55-7226; Filed, Sept. 6, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4a, 42, 43, 45]

[Draft Release No. 55-21]

EXTENSION OF SPECIAL AUTHORIZATION FOR PROVISIONAL MAXIMUM TAKE-OFF WEIGHTS FOR CERTAIN AIRPLANES OPERATED BY ALASKAN AIR CARRIERS AND BY THE DEPARTMENT OF THE INTERIOR

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation extending the present authority of the Administrator to establish increased maximum take-off weights for certain airplanes of 12,500 pounds or less operated by Alaskan air carriers and by the U. S. Department of the Interior in the Territory of Alaska, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by October 11, 1955. Copies of such communications will be available after October 13, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On October 23, 1953, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR-399 which authorized the Administrator to establish increased maximum take-off weights for certain airplanes of 12,500 pounds or less operated by Alaskan air carriers and by the U. S. Department of the Interior in the Territory of Alaska. The authority contained in SR-399 terminates on October 25, 1955. Since the domestic economy of Alaska is greatly dependent upon the continued operation of Alaskan air carriers using airplanes of 12,500 pounds or less, and since the Department of the Interior expects to continue to use such airplanes in the Territory of Alaska, it is proposed to extend the authorization currently provided by SR-399 for a period of 5 years. However, during this period the Bureau proposes to study further the operating conditions and the types of airplanes in use in Alaska to determine whether this proposed authorization should be permitted to expire 5 years hence or be made a permanent part of the Civil Air Regulations.

Accordingly, it is proposed to issue a Special Civil Air Regulation, effective October 25, 1955, to read as follows:

1. The Administrator is hereby authorized to establish a maximum authorized weight for airplanes type certificated under the provisions of Aeronautics Bulletin No. 7-A of the Aeronautics Branch of the U. S. Department of Commerce, dated January 1, 1931, as amended, or under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by Alaskan air carriers as designated by Part 292, as amended, of the Board's Economic Regulations or by the U. S. Department of the Interior in the conduct of its game and fish law enforcement activities and its management, fire detection, and fire suppression activities with respect to public land.

2. The maximum authorized weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115 percent of the maximum weight listed in the CAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 3.183 of the Civil Air Regulations, or

(d) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the airplane and the terrain to be traversed in the operation.

4. The maximum authorized weight so determined shall be added to the airplane's operation limitations and identified as the maximum weight authorized for operations within the Territory of Alaska.

It is proposed that this regulation supersede Special Civil Air Regulation No. SR-399, and be effective for a period of 5 years.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of

comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., August 30, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director*

[F. R. Doc. 55-7219; Filed, Sept. 6, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11280; FCC 55-893]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations.

1. Notice is hereby given of further proposed rule making in this proceeding.

2. WKST, Inc., is authorized to operate television Station WKST-TV on Channel 45 in New Castle, Pennsylvania, but desires to shift this station to Youngstown, Ohio. On December 27, 1954, WKST, Inc., filed a Petition for Rule Making to shift UHF Channels 45 and 73 between New Castle and Youngstown and requesting that it be directed to show cause why Station WKST-TV should not operate on Channel 45 in Youngstown rather than New Castle. On February 10, 1955, the Commission issued a Notice of Proposed Rule Making; comments both supporting and opposing the proposal were filed; and on April 20, 1955, the Commission issued a Report and Order denying WKST, Inc.'s, request. Petitioner on May 20, 1955, filed a Petition for Reconsideration.

3. WKST, Inc., now offers three new alternative proposals for shifting Channel 45 from New Castle to Youngstown, as follows:

PLAN I

City	Present	Proposed
Youngstown, Ohio	21–, 27, 73–45–	21–, 27, 45–, 73–33
New Castle		
Pittsburgh, Pa.	2–, 11, 13*–, 16, 47–, 53+12+, 22, 69–	2–, 11, 13*–, 16, *22*, 53+12+, 69–, 79+
Clarksburg, W. Va.		

PLAN II

Youngstown, Ohio	21–, 27, 73–45–	21–, 27, *45*–, 73–51+
New Castle, Pa.		
Wheeling-Steubenville	7, 9+, 51+	7, 9, *22*
Clarksburg, W Va.	12+, 22, 69–	12+, 69–, 79+
Meadville, Pa.	37	62+ [1]

PLAN III

Youngstown, Ohio	21–, 27, 73–45–	21–, 27, *45*, 73–*55*–
New Castle, Pa.		
Akron, Ohio	49+, 55*–, 61+	49+, 61*, *71*–

[1] This plan would require a change in the offset carrier requirement for Frederick, Md., from Channel 62 plus to Channel 62 even.

4. Oppositions to the Petition for Reconsideration have been filed by the two permittees of operating stations in Youngstown—WKBN Broadcasting Corporation (WKBN-TV Channel 27) and Vindicator Printing Company (WFMJ-TV, Channel 21) Letters supporting the petition have been filed by Congressman Frank M. Clark and Walter A. Kieler, Esq., each of whom opposed the original WKST, Inc., petition, and by various other parties. Polan Industries, permittee of Station WLTV on Channel 51 in Wheeling has filed a statement indicating no objection to the shift in frequency that would be necessary under WKST's second proposal.

5. Petitioner alleges that its alternative proposals for the shifting of Channel 45 to Youngstown satisfy the Commission's objections in its denial of the original request. The Commission is of the view that the public interest would be served by further rule making proceedings for the purpose of considering the new proposals advanced by petitioner. Accordingly, we are issuing this Notice of Further Proposed Rule Making.

6. All interested parties who desire to submit comments with respect to the WKST, Inc., proposals, both in support and in opposition, may do so by filing written comments with the Commission on or before October 7, 1955. Written comments or briefs in reply to the original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. In accordance with the provisions of § 1.764 of the Commission's Rules and Regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

7. WKST is presently authorized to operate on Channel 45 at New Castle and the amendments proposed would shift this frequency to Youngstown. WKST proposes that it continue operation on Channel 45 by becoming a Youngstown station, with its main studios located in that city. Accordingly, WKST, Inc., is ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 45 at Youngstown rather than New Castle. A reply to the aforesaid Show Cause Order should be filed on or before the date specified for filing comments in this proceeding.

8. Under WKST's Plan I, Channel 22 would replace Channel 47 in Pittsburgh, Pennsylvania. Golden Triangle Television Corporation holds an authorization for Station WTVQ on Channel 47. Accordingly, Golden Triangle Television Corporation is ordered to show cause why its outstanding authorization should not be modified to specify operation on Channel 22. Under WKST's Plan II, Channel 22 would replace Channel 51 in Wheeling-Steubenville. Polan Industries holds a permit for Station WLTV on Channel 51 in Wheeling. Accordingly, Polan Industries is ordered to show cause why its outstanding authorization should not be modified to specify operation on Channel 22. Replies to the aforesaid Show Cause Orders should be filed on or before the date for filing comments in this proceeding.

9. Authority for the adoption of the proposed amendments is contained in sections 4 (i) 301, 303 (c), (d), (f) and (r) 307 (b) and 316 of the Communications Act of 1934, as amended.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F R. Doc. 55-7207; Filed, Sept. 6, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11495; FCC 55-894]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations.

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on June 13, 1955, by Aaron B. Robinson, Jackson, Tennessee, requesting it to amend the Table of Assignments in § 3.606 of its rules and regulations, by shifting Channel 6 from Clarksdale, Mississippi, to Indianola, Mississippi, and by assigning Channel 44 to Clarksdale to replace Channel 6, as follows:

City	Channel No.	
	Present	Proposed
Clarksdale, Miss.	6, 32	32, 44
Indianola, Miss.	----	6

3. In support of the proposed amendment, petitioner notes that Indianola is presently without any television assignment, that no application has been filed

for Channel 6 at Clarksdale, and that, at Indianola, Channel 6 would provide a first television service to a larger area and population than if left at Clarksdale. Clarksdale would not be deprived of a second television channel. The Indianola Chamber of Commerce has filed a statement in support of this proposal.

4. The Commission also has before it a conflicting petition filed on June 30, 1955, by Greenwood Broadcasting Company, Inc., Greenwood, Mississippi, requesting it to amend the Table of Assignments in § 3.606 of its rules and regulations, by shifting Channel 6 from Clarksdale, Mississippi, to Greenwood, Mississippi, as follows:

City	Channel No.	
	Present	Proposed
Clarksdale, Miss.	6, 32	32
Greenwood, Miss.	24+	6, 24+

5. In support of the proposed amendment petitioner notes that no application has been filed for Channel 6 at Clarksdale since the assignment was made over three years ago; and that Greenwood is an important population, agricultural, and trade center, and according to petitioner, includes Indianola, Mississippi within its trade area. The proposed amendment meets the minimum spacing requirements. Greenwood Broadcasting Company represents that if Channel 6 is assigned to Greenwood, it will file an application for this frequency.

6. The Commission has before it a third conflicting petition filed on August 25, 1955, by Lamar Life Broadcasting Company, permittee of television Channel 3 (WLBT) Jackson, Mississippi, requesting it to amend the Table of Assignments in § 3.606 of its rules and regulations, by shifting Channel 6 from Clarksdale, Mississippi, to Cleveland-Ruleville, Mississippi as follows:

City	Channel No.	
	Present	Proposed
Clarksdale, Miss.	6, 32	32
Cleveland-Ruleville, Miss.		6

As an alternative to the foregoing, petitioner requests that Channel 6 be deleted from Clarksdale and reallocated to an area bounded by lines drawn between the cities of Cleveland, Ruleville, Greenwood, and Indianola, all in Mississippi.

7. In support of the proposed alternative amendments, petitioner notes that there has been no application for Channel 6 at Clarksdale, and urges that a television station located at Cleveland or Ruleville, Mississippi, would lie well beyond the Grade B service contour of other VHF stations, and would provide a first service to a more extensive area than would be possible if located at other cities in the area. Petitioner submits that it would be desirable to use Channel 6 as an area station rather than one intended to serve a specific community. Both alternative proposals would meet minimum separation requirements.

8. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be apprised of such views prior to taking further action.

9. Authority for the adoption of the proposed amendments is contained in sections 4 (i) 303, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

10. Any interested party who is of the opinion that the amendment proposed by petitioners should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 7, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider the comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

11. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7208; Filed, Sept. 6, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11496; FCC 55-895]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. Lake Superior Broadcasting Company, licensee of radio Station WDMJ, Marquette, Michigan, has requested the Commission to amend the Table of Assignments in § 3.606 of its rules and regulations to add an additional VHF channel to Marquette, Michigan. Lake Superior proposes to accomplish this assignment by shifting Channel 13 from Calumet, Michigan, to Marquette and by replacing Channel 13 in Calumet with Channel 5, as follows:

City	Channel No.	
	Present	Proposed
Marquette, Mich.	6—, 17, *35	6— 13+, 17, *35
Calumet, Mich.	13+	5

3. In its proposal, Lake Superior notes that no applications have been filed for Channel 13 in Calumet. Marquette now has two channels for commercial use—VHF Channel 6 and UHF Channel 17—and one channel, UHF Channel 35, reserved for education. Station WAGE-TV is authorized to operate on Channel 6; no applications have been filed for Channel 17. Petitioner's proposal would add a second VHF channel to Marquette, a city of over 17,000 without depriving any other community of a channel. The proposal meets the minimum spacing requirements. Lake Superior represents that if Channel 13 is assigned to Marquette, it will file an application for this frequency.

4. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may be appraised of such views prior to taking further action.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 7, 1955 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-7209; Filed, Sept. 6, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11497; FCC 55-896]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on June 2, 1955 by Artesia Broadcasting Company Inc., Artesia, New Mexico, requesting rule making to amend the Television Table of Assignments contained in § 3.606, Rules Governing Television Broadcast Stations, so as to shift Channel 10 from Roswell, New Mexico to Artesia, New Mexico, as follows:

City	Channel No.	
	Present	Proposed
Artesia, N. Mex.	21+	10−, 21+
Roswell, N. Mex.	*3+ 8, 10−	*3+, 8

3. In support of the requested amendment, petitioner submits that Station KSWS-TV presently operates on Channel 8 in Roswell, New Mexico and that no application has been filed for the use of Channel 10 in that city. Petitioner urges that Artesia, a community with a population of 8,244 persons, is an important industrial, agricultural, population, and cultural community that the allocation of Channel 10 to this area will bring a first television service to an area which has inadequate service; that operation on the assigned Channel 21 would not be feasible in view of the approaching saturation of VHF receivers in the area; and that the proposal conforms to the Commission's rules and standards. Petitioner states that an application will be filed for this assignment in the event it is adopted.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission, and the Commission may be apprised of such views prior to taking final action.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the amendment proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 7, 1955, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7210; Filed, Sept. 6, 1955; 8:50 a. m.]

[47 CFR Part 7]

[Docket No. 11452]

STATIONS ON LAND IN THE MARITIME SERVICE

PUBLIC COAST STATION FACILITIES FOR TRANSMISSION AND RECEPTION

In the matter of amendment of Part 7 of the Commission's rules regarding public coast station facilities for transmission and reception on 2182 kc.

The Commission having under consideration the petition dated August 31, 1955, filed by the Central Committee on Radio Facilities of the American Petroleum Institute in the above-entitled proceeding, requesting an extension of time in which to file comments directed to the Commission's Notice of Proposed Rule Making in this Docket;

It appearing that good and sufficient reasons have been advanced by the Central Committee on Radio Facilities of the American Petroleum Institute in its petition for an extension of time in which to file comments in this proceeding, and that the public interest would be served by an extension until September 6, 1955; and

It is ordered, That the time for filing comments in the above-entitled proceeding is hereby extended from August 30, 1955, to September 6, 1955.

Adopted: September 1, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7211; Filed, Sept. 6, 1955; 8:50 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10377; FCC 55-867]

STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICES

OPERATION FREQUENCIES FOR TELEPHONY

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations and aircraft stations on currently assignable frequencies for telephony in the band 4000 kc to 18000 kc; and to include authority for operation of such stations on other frequencies for telephony within the same band.

1. On May 6, 1953, the Commission adopted a Report and Order in the above-designated docket finalizing a plan of assignment for all areas other than the Mississippi River and connecting inland waters (except the Great Lakes), which would serve as a basis for carrying out the maritime mobile radiotelephone portion of the Geneva Agreement (1951) in the frequency bands between 4000 and 18,000 kc. However, the effective dates of deletion of existing frequencies and the availability of new frequencies were to be made the subject of later proceedings. First to Fifth Notices of Proposed Rule Making, respectively, in this Docket, specifying such dates for many of the frequencies under the above-referred-to plan have heretofore been promulgated and finalized.

2. This Sixth Further Notice of Proposed Rule Making is issued because it is deemed feasible to propose a specific date for the availability of the radiotelephone ship frequency 4115.3 kc at Kahuku, Territory of Hawaii, and for the deletion of the radiotelephone ship frequency 4402.5 kc which is currently available at that location. It is proposed to make the effective date of the availability and the deletion of the frequencies coincide with the effective date of the Order finalizing this proposal. This notice is issued under authority recited in the original notice of proposed rule making in this Docket.

3. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before October 3, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

4. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-7212; Filed, Sept. 6, 1955; 8:50 a. m.]

[47 CFR Part 8]

[Docket No. 11486; FCC 55-871]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

ALASKAN MARITIME FREQUENCIES AVAILABLE FOR ASSIGNMENT UNDER INTERIM SHIP STATION AUTHORIZATION

In the matter of amendment of Part 8 of the Commission's rules with respect to

specifying certain Alaskan maritime frequencies available for assignment under an interim ship station authorization.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rules proposed to be adopted are set forth below.

2. Part 14 of the Commission's rules governing ship stations in Alaskan waters makes provision for the issuance of interim ship station authorizations pursuant to § 8.35 of the rules. An interim ship station license authorizes radiotelephone operation on certain frequencies which are designated in Part 8. However, certain maritime frequencies which are available for use for telephony in all zones in Alaska are not included in Part 8 as available for assignment under an interim ship station authorization Therefore, the proposed amendment to § 8.369 is necessary in order to specify in Part 8 these additional Alaskan frequencies.

3. The proposed amendments to the rules are issued pursuant to section 303 (c) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before October 10, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 8 is amended as follows:

Section 8.369 (a) (2) is amended by adding a new subdivision (iv) to read as follows:

(iv) In addition in the Alaska area:

1622 For communication between stations aboard vessels of less than 500 gross tons and for communication between public ship stations on board vessels of any size and public coast stations;

2134 For communication between ship stations and coast stations of the Alaska Communications System open to public correspondence;

2382 For communication between ship stations aboard vessels of 500 gross tons or more and for communication between public ship stations on board vessels of any size and public coast stations.

[F R. Doc. 55-7213; Filed, Sept. 6, 1955; 8:51 a. m.]

[47 CFR Part 12]

[Docket No. 11487; FCC 55-872]

AMATEUR RADIO SERVICE

TYPES OF EMISSION

In the matter of amendment of Part 12, rules governing Amateur Radio Service, concerning code practice transmissions.

1. Notice is hereby given of proposed rule making in the above-entitled matter

2. The Commission has received correspondence from individual amateurs and from the American Radio Relay League, indicating a need for clarification of the rules with regard to amateur code practice transmissions.

3. Although it has been a general practice, the transmission of International Morse Code characters by buzzer or other audio frequency sources together with voice instructions is not specifically provided for in Part 12 of the Commission's rules.

4. Believing that there is sufficient reason to warrant proposed rule making in this matter, the Commission is proposing amendment of Part 12 to add a new § 12.114 (b) as set forth below.

5. Authority for issuance of the amendment is vested in the Commission by virtue of section 4 (i) and 303 (b) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 15, 1955, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of Section 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amendment of § 12.114 of Part 12, Rules Governing Amateur Radio Service, is proposed as follows:

Amend paragraph (b) to read as follows:

(b) Whenever code practice, in accordance with § 12.106 (d), is conducted in bands authorized for A3 emission, radiotelephony tone modulation may be utilized when interspersed with appropriate voice instructions.

[F. R. Doc. 55-7214; Filed, Sept. 6, 1955; 8:51 a. m.]

[47 CFR Part 12]

[Docket No. 11483; FCC 55-873]

AMATEUR RADIO SERVICE

CONELRAD PLAN

In the matter of amendment to Part 12 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for the Amateur Radio Service.

1. The Commission has before it the approved CONELRAD Plan for the Amateur Radio Service. This plan was developed in cooperation with licensees, amateur radio organizations, the Department of Defense and the Office of Defense Mobilization. In order to put this plan into effect it is necessary to modify Part 12 of the Commission's rules and regulations as set forth below.

2. These proposed amendments are promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act of 1934 as amended and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before October 3, 1955 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within one week from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 31, 1955.

Released: September 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 12 of the Commission's rules by adding the following new sections:

CONELRAD

§ 12.190 *Scope and objective of CONELRAD.* Control of Electromagnetic Radiation applies to all radio stations in the Amateur Radio Service and is for the purpose of providing for the alerting and operation of radio stations in this service during periods of air attack or imminent threat thereof. The objective is to minimize the navigational aid that may be obtained by an enemy from the electromagnetic radiations emanating from radio stations in the Amateur Radio Service while simultaneously providing for a continued service under controlled conditions when such operation is essential to the public welfare.

§ 12.191 *The CONELRAD radio alert* is the term applied to the Military Warning that an air attack is probable or imminent and which automatically orders the immediate implementation of Conelrad procedures for all radio stations. The CONELRAD Radio Alert is distinct from the military or Civil Air Defense warnings yellow or red, but may be coincidental with such warnings.

§ 12.192 *Reception of radio alert.* (a) The licensee of a station in the Amateur Radio Service is required to provide a means for reception of the CONELRAD Radio Alert or a means for the determination that such alert is in force.

(b) All operators of stations in the Amateur Radio Service will be responsible for the reception of the CONELRAD Radio Alert or indication that such alert is in force by:

(1) Reception of a CONELRAD Radio Alert message which will be broadcast by each standard, FM and TV broadcast station on its regular assigned frequency before they leave the air; or

(2) Reception of standard broadcast stations operating under CONELRAD requirements during the period of the alert on 640 or 1240 kc; or

(3) Determining that an alert is in force by lack of normal broadcast station operation (observations made before amateur station operation is begun and at least once every ten minutes during operation thereafter will be considered as sufficient for compliance with this section; or

(4) Other means if so authorized by the Federal Communications Commission.

§ 12.193 *Operation during an alert.* During a CONELRAD Radio Alert the operation of all amateur radio stations, except stations in the Radio Amateur Civil Emergency Service (RACES) and stations specifically authorized otherwise, will be immediately discontinued until the Radio All Clear is issued. Stations in the RACES and such others as are specifically authorized to operate during the alert will conduct operation under the following restrictions.

(a) No transmission shall be made unless it is of extreme emergency affecting the national safety or the safety of life and property.

(b) Transmissions shall be as short as possible.

(c) No station identification shall be given, either by transmission of call letters or by announcement of location (if station identification is necessary to carry on the service, tactical calls or other means of identification will be utilized in accordance with § 12.246)

(d) The radio station carrier shall be discontinued during periods of no message transmission.

§ 12.194 *Special operation.* In certain cases, the Federal Communications Commission may authorize specific stations to operate during a CONELRAD Radio Alert in a manner not governed by §§ 12.190 to 12.196, provided, such operation is determined to be necessary in the interest of National Defense or the public welfare.

§ 12.195 *Resumption of normal operation.* At the conclusion of a CONELRAD Radio Alert, each standard, FM and TV broadcast station will broadcast a CONELRAD Radio All Clear Message. Unless otherwise restricted by order of the Federal Communications Commission, normal operation of stations in the Amateur Radio Service may be resumed upon reception of the CONELRAD Radio All Clear. Only the CONELRAD Radio All Clear will authorize termination of the CONELRAD Radio Alert.

§ 12.196 *CONELRAD tests.* So far as practicable, tests and practice operation will be conducted at appropriate intervals.

[F. R. Doc. 55-7215; Filed, Sept. 6, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

KANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 30, 1955.

The Forest Service, Department of Agriculture, has filed an application, Serial No. W-035636 (Kansas) for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the general mining laws and the mineral leasing laws. The applicant desires the land for use and administration in accordance with the Bankhead-Jones Farm Tenant Act in connection with the Morton County Land Utilization Project, Kansas.

The record shows that the lands in T. 32 S., R. 39 W are within the known geologic structure of the Hugoton Field, a producing oil and gas field. In view thereof, and of the contemplated multiple use of the lands, the withdrawal will be subject to the right of the Secretary of the Interior to determine the dominant use of the lands.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, KANSAS

T. 34 S., R. 43 W.,
Sec. 8: SE¼SW¼,
Sec. 13: SE¼NW¼,
Sec. 14: SW¼SE¼, E½SE¼.
T. 32 S., R. 39 W.,
Sec. 23: NW¼SW¼, SW¼SE¼.

The described area contains 280 acres.

JOSEPH C. CONRACE,
Acting State Supervisor

[F. R. Doc. 55-7180; Filed, Sept. 6, 1955; 8:46 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO TRANSFER OF JURISDICTION OF INTEREST

AUGUST 29, 1955.

Notice is hereby given that the Office of Territories, Department of the Interior, has made an application, Anchorage 030968, for transfer of jurisdiction of interest to the Office of Territories of the following property:

Beginning at Corner No. 1, a point which bears North 48 degrees 43 minutes East a distance of 62.00 feet from the most westerly corner of Block 32 of the Townsite of Juneau, Alaska; thence South 77 degrees 32 minutes East a distance of 91.40 feet to Corner No. 2; thence South 62 degrees 32 minutes East a distance of 30.54 feet to Corner No. 3; thence South 47 degrees 32 minutes East a distance of 25.75 feet to Corner No. 4; thence South 49 degrees 27 minutes East a distance of 39.75 feet to Corner No. 5; thence South 41 degrees 38 minutes East a distance of 34.32 feet to Corner No. 6; thence North 48 degrees 43 minutes East a distance of 34.50 feet to Corner No. 7; thence North 41 degrees 38 minutes West a distance of 67.20 feet to Corner No. 8; thence along a circular curve whose cord bears North 60 degrees 06 minutes West a distance of 75.85 feet, and whose middle ordinate is 6.20 feet, to Corner No. 9; thence North 77 degrees 21 minutes West a distance of 77.12 feet to Corner No. 10; thence South 48 degrees 43 minutes West a distance of 38.00 feet to Corner No. 1, the place of beginning,

under Section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e)

The purpose of this notice is to give persons having a bonafide objection to the transfer the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together

with evidence that a copy of the protest has been served on the Director, Alaska Public Works, Juneau, Alaska.

LOWELL M. PUCKETT,
Area Administrator

[F. R. Doc. 55-7179; Filed, Sept. 6, 1955; 8:45 a. m.]

Bureau of Reclamation

CARLSBAD PROJECT, NEW MEXICO

ORDER OF REVOCATION; AMENDMENT

JUNE 8, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby amend Revocation Order dated September 4, 1952, concurred in by the Bureau of Land Management on October 20, 1954, by eliminating therefrom reference to Departmental Order of January 25, 1905, and substituting therefor reference to Departmental Order of January 25, 1906. Departmental Order of January 25, 1906, withdrew certain lands, portions of which lands are described in detail in Revocation Order of September 4, 1952, in connection with the Carlsbad Project, New Mexico.

E. G. NIELSEN,
Assistant Commissioner

[Misc. 1322257]

AUGUST 31, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

DEPUE FALCK,
Acting Director
Bureau of Land Management.

[F. R. Doc. 55-7184; Filed, Sept. 6, 1955; 8:47 a. m.]

Geological Survey

BRADLEY LAKE, ALASKA

POWER SITE CLASSIFICATION NO. 436

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394, 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025) the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818)

VICINITY OF TRIANGULATION STATION SHEEP

Latitude: 59°46'32.788"
Longitude: 150°58'13.623"

(1) All lands within ¼ mile of Bradley River from its mouth to Bradley Lake.

(2) All lands within ¼ mile of North Fork Bradley River from its confluence with Bradley River for a distance of 2 miles upstream.

(3) All lands within ¼ mile of Battle Creek from its mouth to the 1200-foot elevation pass leading to Bradley Lake.

(4) All lands adjacent to Bradley Lake which lie at an elevation of less than 1300 feet above mean sea level.

(5) All lands within ½ mile of Nuka River from its source at toe of Bradley Glacier to a point 1 mile downstream therefrom.

The area described is estimated to aggregate about 10,000 acres.

Dated: August 29, 1955.

ARTHUR A. BAKER,
Acting Director

[F. R. Doc. 55-7177; Filed, Sept. 6, 1955; 8:45 a. m.]

National Park Service

[Order 19]

SUPERINTENDENT OF BLUE RIDGE PARKWAY

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS

AUGUST 24, 1955.

(a) The Superintendent of Blue Ridge Parkway is authorized to exercise, subject to the provisions of paragraph (b), the authority delegated to the Director, National Park Service, for a period of one year from May 10, 1955, by the Acting Secretary of the Interior on June 8, 1955 (20 F R. 4167), to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252, et seq.), contracts for architect-engineering services relating to construction required in connection with activities of the National Park Service at Blue Ridge Parkway located in Virginia and North Carolina.

(b) The authority granted in paragraph (a) shall be exercised in accordance with the applicable limitations and requirements of that act, particularly sections 304 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

(Secretary's Order No. 2793; 20 F. R. 4167.)

[SEAL] CONRAD L. WIRTH,
Director

[F. R. Doc. 55-7183; Filed, Sept. 6, 1955; 8:46 a. m.]

Office of the Secretary

[Order 2800]

DIRECTOR, OFFICE OF TERRITORIES

DELEGATION OF AUTHORITY TO NEGOTIATE FOR THE SERVICES OF ARCHITECTURAL AND ENGINEERING FIRMS

Section 1. *Delegation of authority.* (a) The Director, Office of Territories, is authorized to exercise, subject to the provisions of paragraph (b) of this section, the authority delegated by the Administrator of General Services (20 F R. 6307) to the Secretary of the Interior, for the period ending September 1, 1956, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.) contracts for the services of architectural and engineering firms in connection with the construction activities under the Alaska Public Works Program authorized by the act of August 24, 1949 (63 Stat. 627) as amended by the act of July 15, 1954 (68 Stat. 483)

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements in the Federal Property and Administrative Services Act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 2. *Redelegation.* The Director, Office of Territories, may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

August 30, 1955.

[F. R. Doc. 55-7185; Filed, Sept. 6, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

The period for making initial Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148 a-2 (a)) heretofore authorized on March 11, 1955, in Grand Traverse and Leelanau Counties, Michigan, is hereby extended through June 30, 1956, for the purpose of assisting only those farmers whose credit needs after October 31, 1955, arose by reason of freeze in the spring of 1955.

Done at Washington, D. C., this 1st day of September 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55-7223; Filed, Sept. 6, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-7897, etc.]

J. N. HUTTIG ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 30, 1955.

In the matters of J. N. Huttig, G-7897; T. V Cunningham Gas Company, G-7898; Crabbe Oil & Gas Company, G-7913; Barnes Oil & Gas Company, G-7914; J. R. Sharp, Inc., G-7930; McCall Drilling Company, Inc., G-7993, G-7994, G-7995; James Doughty, et al., J. A. Morgan, W D. Doughty, R. L. Kirkwood, J. M. Frost, Jr., C. M. Frost, V. W. Frost, Elaine S. Frost; G-7997· Davison, Wallace, Rutter and Wilbanks Brothers, G-7999; Frank C. Henderson Trust No. 2, G-8007; Elizabeth P. Henderson Trust No. 2, George W. Graham, G-8047; Garrett Oil & Gas Company, G-8074; Morris Mizel, et al.. Oklahoma Fire & Supply Co., Roy M. Hays,

Trustee, G–8078; C. I. Collins, G–8084, Frank E. McMillin, G–8086; R. Olsen, et al.. George F Bauerdorf, E. A. Culbertson, Wallace W Irwin, Gordon M. Cone, W. L. Goldston, Colin C. Rae, Harry Leonard, Stanley W Crosby, Sue Saunders Graham, Executrix, G–8088, G–8089, G–8090; Davis Elkins, Trustee, G–8506; J. I. Roberts, G–8507; Maxton Oil & Gas Company, G–8515, Cumberland Gas Company, G–8531, Vaughey and Vaughey, G–8555.

There have been filed with the Federal Power Commission applications by or on behalf of the persons captioned above as hereinafter indicated:

Docket No.	Applicant	Address	Date filed
G–7897	J. N. Huttig	Midland, Tex	Dec. 3, 1954
G–7898	T. V. Cunningham Gas Co	Murphy District, Ritchie County, West Va.	Do.
G–7913	Crabbe Oil & Gas Co	DeKalb District, Gilmer County, West Va.	Do.
G–7914	Barnes Oil & Gas Co	do	Do.
G–7930	J. R. Sharp, Inc	Midland, Tex	Do.
G–7993, G–7994 and G–7995.	McCall Drilling Co., Inc	612 Keystone Bldg., Pittsburgh 22, Pa	Do.
G–7997	James Doughty, et al. (for others see caption).	P. O. Box 452, Corpus Christi, Tex	Do.
G–7999	Davison, Wallace, Rutter and Wilbanks Bros.	240 Capitol Bldg., Midland, Tex	Do.
G–8007	Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2.	2202 Alamo National Bank Bldg., San Antonio, Tex.	Do. Feb. 16, 1955 Aug. 23, 1955
G–8047	George W. Graham	400 Wichita National Bank Bldg., Wichita Falls, Tex.	Dec. 6, 1954
G–8074	Garrett Oil & Gas Co	Prestonburg, Ky	Do.
G–8078	Morris Mizel, et al. (for others see caption).	905 Kennedy Bldg., Tulsa, Okla	Do.
G–8084	C. I. Collins	Pennsboro, W. Va	Dec. 7, 1954
G–8086	Frank E. McMillin	Philtower Bldg., Tulsa 3, Okla	Do.
G–8088, G–8089 and G–8090.	R. Olsen, et al. (for others see caption)	Oklahoma City, Oklahoma County, Okla.	Do.
G–8506	Davis Elkins, Trustee	903 Bigley Ave., Charleston, W. Va	Feb. 21, 1955
G–8507	J. I. Roberts	302 Commercial National Bank Bldg., Shreveport, La.	Feb. 23, 1955
G–8515	Maxton Oil & Gas Co	Home Savings Bank Bldg., Fairmont, W. Va.	Feb. 24, 1955
G–8531	Cumberland Gas Co	Martin, Ky	Feb. 23, 1955
G–8555	Vaughey and Vaughey	P. O. Box 4268, Jackson, Miss	Mar. 7, 1955

Each of said applications is for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application which is on file with the Commission and open for public inspection.

Each of said Applicants produces natural gas and, in addition, Applicants in Docket Nos. G–8007, G–8507 and G–8555 also purchase natural gas. Each Applicant sells said natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Applicant	Source of gas	Buyer
G–7897	J. N. Huttig	480 acres, Spraberry Field, Reagan County, Tex.	Texas Gas Products Corp. for resale to El Paso Natural Gas Co.
G–7898	T. V. Cunningham Gas Co.	44 acres, Murphy District, Ritchie County, W. Va.	Godfrey L. Cabot, Inc.
G–7913	Crabbe Oil & Gas Co	15½ acres, DeKalb District, Gilmer County, W. Va.	Do.
G–7914	Barnes Oil & Gas Co	235 acres, Dekalb District, Gilmer County, W. Va.	Do.
G–7930	J. R. Sharp, Inc	Keystone Field, Winkler County, Tex.	Sid Richardson Gasoline Co. for resale to El Paso Natural Gas Co.
G–7993, G–7994 and G–7995.	McCall Drilling Co., Inc	145.5 acres, Allepo Township, Greene County, Pa., 47 acres DeKalb District, and 31 acres, Troy District, Gilmer County, W Va.	Manufacturers Light & Heat Co. and South Penn Natural Gas Co.
G–7997	James Doughty, et al. (for others see caption).	480 acre lease, Fagan Field, Refugio County, Tex.	United Gas Pipe Line Co.
G–7999	Davision, Wallace, Rutter and Wilbanks Bros.	Spraberry Trend Area Field, Midland County, Tex.	Phillips Petroleum Co. for resale to Permian Basin Pipe Line Co. D
G–8007	Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2.	Sanford Field, Hutchinson County, Tex.	United Carbon Co., Inc., for resale to Colorado Interstate Gas Co.
G–8047	George W. Graham	180 acres, West Holly Field, Dewitt County, Tex.	Wilcox Trend Gathering System, Inc.
G–8074	Garrett Oil & Gas Co	200 acres, Right Beaver Creek Field, Floyd County, Ky.	Kentucky West Virginia Gas Co.
G–8078	Morris Mizel, et al. (for others see caption).	Prater lease, Hugoton Field, Seward County, Kans.	Northern Natural Gas Co.
G–8084	C. I. Collins	1 acre, Clay District, Ritchie County, W Va.	Carnegie Natural Gas Co.
G–8086	Frank E. McMillin	Cotton Valley Field, Webster Parish, La.	United Gas Pipe Line Co.
G–8088, G–8089 and G–8090	R. Olsen, et al. (for others see caption).	Jalmat Field, Lea County, N. Mex.	El Paso Natural Gas Co.
G–8506	Davis Elkins, Trustee	1,424 acres, Geary District, Roane County, W. Va.	United Fuel Gas Co.
G–8507	J. I. Roberts	Delhi Gas Field, Madison, Franklin and Richland Parishes, La.	Texas Eastern Transmission Corp.
G–8515	Maxton Oil & Gas Co	Mannington District Marion County, W. Va.	Carnegie Natural Gas Co.
G–8531	Cumberland Gas Co	20 acres, Beaver Creek Field, Floyd County, Ky.	United Fuel Gas Co.
G–8555	Vaughey and Vaughey	Delhi Field, Richland Parish, La.	Texas Eastern Transmission Corp.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Monday, October 3, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7188; Filed, Sept. 6, 1955; 8:48 a. m.]

[Docket No. E–6611]

DEPARTMENT OF THE INTERIOR, BONNEVILLE POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULE

AUGUST 31, 1955.

Notice is hereby given that on August 26, 1955, the Federal Power Commission issued its order adopted August 25, 1955, confirming and approving rate schedule in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7189; Filed, Sept. 6, 1955; 8:48 a. m.]

[Docket No. G–9044]

HAVERHILL GAS CO.

NOTICE OF ORDER GRANTING PERMISSION AND APPROVAL TO ABANDON SERVICE

August 31, 1955.

Notice is hereby given that on August 25, 1955, the Federal Power Commission issued its order adopted August 25, 1955, granting permission and approval to abandon service in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7190; Filed, Sept. 6, 1955; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC COAST EUROPEAN CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 5200–14 between the member lines of the Pacific Coast European Conference, modifies the basic conference agreement (No. 5200) by changing the voting provisions thereof.

(2) Agreement No. 8041 between Farrell Lines Incorporated and Mississippi Shipping Company, Inc., covers the transportation of rubber under through bills of lading from Cape Palmas, Liberia, to United States Gulf ports, with transshipment at Monrovia, Liberia.

(3) Agreement No. 8045 between Alltransport Incorporated and Cavalier Shipping Co., Inc., both freight forwarders, provides that Cavalier will operate and manage the forwarding and other business of Alltransport in Norfolk and Newport News, Virginia, and that Alltransport will do the same for Cavalier on the latter's business in New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 31, 1955.

By order of the Federal Maritime Board.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55–7197; Filed, Sept. 6, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10844, 10845; FCC 55M–758]

RADIO ASSOCIATES, INC. AND WLOX BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT–1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT–1157; for construction permits for New Commercial Television Broadcast Stations (Channel 13)

The Hearing Examiner having under consideration the matter of scheduling the hearing in this proceeding pursuant to the Commission's orders of February 23 and June 1, 1955, and the statements made by counsel for each applicant at an informal conference this day conducted pursuant to telephone notice to counsel for each applicant and for Broadcast Bureau; and

It appearing that the hearing in this proceeding should be commenced at the earliest practicable date and that repeated efforts heretofore made by all counsel and the Hearing Examiner to select an early practicable date for the hearing have been unavailing variously because of the professional and official commitments of the attorneys and the Hearing Examiner to other cases, because of the Commission's policy of holding no hearings during the month of August, because of the generally crowded schedules of hearings in other cases during September and October, and because of the unavailability during otherwise acceptable times in September of the individual principals of each applicant corporation; and

It further appearing that counsel for each applicant will be available to participate in the hearing on the date hereinafter specified, and a reasonable probability exists that the corporate principals will also be then available; and

It further appearing that it will conduce to the orderly dispatch of the Commission's business to schedule now a specific time for the further hearing to be held in this proceeding;

Now therefore it is ordered This 31st day of August 1955, pursuant to the Commission's orders hereinabove cited, and pursuant to section 1.844 of the Commission's rules and section 7 (b) of the Administrative Procedure Act, that the further hearing in this proceeding shall be commenced in Biloxi, Mississippi at 10:00 a. m. on Monday, October 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–7216; Filed, Sept. 6, 1955; 8:51 a. m.]

[Docket No. 11404; FCC 55M–759]

NIAGARA BROADCASTING SYSTEM (WNIA)

ORDER CONTINUING HEARING

In re application of Gordon P. Brown, tr/as Niagara Broadcasting System (WNIA) Cheektowaga, New York, Docket No. 11404, File No. BMP–6773; for modification of permit to Extend Completion Date.

The Hearing Examiner having under consideration a petition, filed by applicant on August 30, 1955, for continuance of the hearing now scheduled for September 1, 1955, to "September 26 or until such time as the Commission shall have acted upon the petition for reconsideration to be submitted promptly upon granting the request for continuance";

It appearing that counsel for the Chief, Broadcast Bureau, the only other party, has no objection to a continuance to September 26, 1955;

It is ordered, This 31st day of August 1955, that the petition is granted to the extent that the hearing now scheduled for September 1, 1955, is continued to Monday, September 26, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–7217; Filed, Sept. 6, 1955; 8:51 a. m.]

[Docket No. 11411; FCC 55M–757]

SOUTHEASTERN ENTERPRISES (WOLE)

ORDER CONTINUING HEARING

In re application of R. B. Helms, Carl J. Hoskins and Jack T. Helms, d/b as Southeastern Enterprises (WOLE) Cleveland, Tennessee, Docket No. 11411, File No. BP–9629; for construction permit.

The Hearing Examiner having under consideration an oral request from counsel for Robert W. Rounsaville, licensee of Station WBAC, Cleveland, Tennessee, a party in the above-entitled proceeding, for a short continuance of the hearing now scheduled for September 15, 1955;

It appearing that accommodation of counsel for other scheduled hearings makes this continuance desirable and that all parties have consented thereto;

It is ordered, This 31st day of August 1955, that the hearing now scheduled for September 15, 1955, is continued to September 19, 1955, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–7218; Filed, Sept. 6, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 1, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31045: *Iron and steel from Chicago, Ill., to Alabama City, Ala.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, viz.. ingot molds, ingot mold stools or bottom plates, carloads from Chicago, Ill., to Alabama City, Ala.

Grounds for relief. Barge-rail competition.

Tariff: Supplement 44 to Agent Raasch's I. C. C. No. 784.

FSA No. 31046: *Lubricating Oil from Wellsville, N. Y., to East Chicago, Ind.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on petroleum lubricating oil, tank-car loads from Wellsville, N. Y., to East Chicago, Ind.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 78 to Agent Boin's I. C. C. No. A–1015.

FSA No. 31047: *Limestone to Huntington, W Va.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on limestone, ground or pulverized, unburnt, straight carloads, or in mixed carloads with stone, crushed or ground, from points in Illinois and Missouri to Huntington, W Va.

Grounds for relief: Rail competition, rates constructed on a short-line distance formula.

Tariff: Supplement 124 to Agent Prueter's I. C. C. A–3723.

FSA No. 31048: *Hides from Ocala, Fla., to Endicott, N. Y* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, not dressed or tanned, carloads from Ocala, Fla., to Endicott, N. Y.

Grounds for relief: Rail competition, circuity and rates constructed on a short-line distance formula.

Tariff: Supplement 138 to Agent Spaninger's I. C. C. 1324.

FSA No. 31049: *Phosphatic Fertilizer Solution from Nashville, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphatic fertilizer solution, ammoniated or not ammoniated, tank-car loads, from Nashville, Tenn., to points in Illinois, Indiana, Michigan, Ohio and Wisconsin.

Grounds for relief: Rail competition, circuity, and rates constructed on a short-line distance formula.

Tariff: Supplement 51 to Agent Spaninger's I. C. C. 1366.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–7196; Filed, Sept. 6, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59–15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER APPROVING AND RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND EXPENSES

AUGUST 25, 1955.

The above-entitled proceedings involve plants filed pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") to enable the system of the Northern New England Company, a registered holding company, to effectuate compliance with Section 11 (b) of the Act. Orders have been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid by the companies concerned with these plants for services rendered in connection therewith and related proceedings.

Applications for allowances or approval of amounts already paid to various participants were filed with the Commission, and orders have been issued approving allowances in respect to all such applications except the request filed by Arthur E. Spellissy, Chairman and a member of the Committee for the plain preferred stockholders of New England Public Service Company for the allowance, as now modified, of a fee in the amount of $3,500 and reimbursement of expenses in the amount of $1,501.23.

The Commission having considered the record with respect to this request, as modified, and being of the opinion that the amounts requested are reasonable and are for necessary services and that an order should be entered approving and directing the payment thereof.

It is ordered That the application for allowances for services and reimbursement of expenses, as modified, by Arthur E. Spellissy as stated above, be, and hereby are, approved, and New England Public Service Company is directed to pay such amounts to the extent any portion thereof has not heretofore been paid.

It is further ordered That the jurisdiction heretofore reserved with respect to allowances herein approved be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 55–7191; Filed, Sept. 6, 1955; 8:48 a. m.]